

SC No. 550/2023
State Vs. Shiv Lal Singh and Ors
FIR no.342/2023
PS Maidan Garhi

06.01.2026

Present: Sh. Arun Kumar Singh, Ld. Additional PP for the State.
Accused Rani Singh in person.
Accused Shiv Lal Singh and Pawan Kumari are absent.
Sh. Rajnish Kumar, Ld. Counsel for all accused persons through VC.

An exemption application is filed on behalf of accused Shiv Lal Singh and Pawan Kumari. The same is supported by medical documents of accused Shiv Lal Singh. Heard, perused and allowed for today only.

Arguments on the point of charge heard.

The present case arises from a charge-sheet filed by the police pursuant to the investigation conducted in FIR No. 342/2023, Police Station Maidan Garhi. The charge-sheet has been filed for offences punishable under Sections 354-B, 323, 506, 509 read with Section 34 of the Indian Penal Code, 1860, and Sections 3(1)(r) and 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. Subsequently, a supplementary charge-sheet has also been filed, whereby Section 394 IPC has been added against the accused persons.

The FIR was registered on the complaint of the

complainant, who alleged that on 07.08.2023 at about 11:00 a.m., she was assaulted by the accused Shiv Lal and his wife Rani. It is further alleged that caste-based abuses were hurled at the complainant during the incident. According to the complaint, accused Shiv Lal inflicted an injury on the hand of the complainant with a knife and also threatened her to withdraw the previous cases, failing which he would kill her. It is further alleged that accused Shiv Lal tore the clothes of the complainant and her mother and robbed the gold chain worn by the complainant's mother.

The case is at the stage of framing of charge. At this stage, the Court is required to confine itself to an examination of the material placed on record by the prosecution in the form of the charge-sheet and the documents annexed therewith, to determine whether a prima facie case is made out.

It is a settled principle of law that at the stage of framing of charge, the Court is not required to conduct a meticulous appreciation of evidence or to test the veracity of the allegations by weighing the defence of the accused. The Court is only to see whether the material on record, if taken at its face value, discloses the commission of an offence and raises a strong suspicion against the accused.

At the stage of framing of charge, the court is not required to evaluate the evidence with the same rigour as at the final stage of trial, nor to determine whether the material, if proved, would certainly lead to conviction. Instead, the Court

merely assess whether the material placed on record, taken at its face value, discloses the ingredients of the alleged offence and gives rise to a prima facie case, even if based on a strong suspicion. While the Court may sift and weigh the evidence to a limited extent, it cannot conduct a “mini-trial” or assess the probative value of the evidence. The material produced by the prosecution must be presumed to be true at this stage, and if on that basis the Court forms an opinion that the accused might have committed the offence, charges should be framed; the deeper question of whether the accused actually committed the offence is to be determined only during trial. Therefore, at the stage of framing of charge, the court is not required to meticulously weigh the evidence or test its ultimate probative value as would be done at the stage of trial. It is a well-settled principle of criminal jurisprudence that if the materials placed before the Court give rise to a grave suspicion regarding the commission of the offence alleged, that itself is sufficient for the trial court to proceed to frame charges.

In the case of *Mathura Dass And Ors. vs State* 104 (2003) DLT 147, it was observed that a Judge, at the time of framing of charge, is not to act merely as a post-office or mouth-piece of the prosecution, but has powers to sift and weigh the evidence but for a limited purpose only. This exercise has to be undertaken by him only with a view to find out as to whether a prima facie case is made out or not. The existence of a prima facie case may be found even on the basis of strong suspicion against an accused. The assessment, evaluation and weighing of the prosecution evidence in a criminal case at the final stage is on entirely different footing than it is at the stage of framing a charge.

At the final stage if two views are possible, one of which suggests that the accused may be innocent, then the view favorable to the accused has to be accepted whereas at the stage of framing of the charge, the view which is favorable to the prosecution, has to be accepted for the purpose of framing charge so that in the course of the trial, the prosecution may come out with its explanations in regard to the draw-backs and weaknesses, if any, being pointed out by an accused.

In the case of *State of Bihar vs Ramesh Singh 1977 AIR 2018*, it is held that it is not obligatory for the Judge at the stage of framing charge to consider in any detail and weigh in a sensitive balance whether the facts, if proved, would be incompatible with the innocence of the accused or not. The standard of test and judgment which is to be finally applied before recording a finding regarding the guilt or otherwise of the accused is not exactly to be applied at the stage of deciding the matter at the stage of framing charge. At that stage the Court is not to 'see whether there is sufficient ground for conviction of the accused or whether the trial is sure to end in his conviction. Strong suspicion against the accused, if the matter remains in the region of suspicion, cannot take the place of proof of his guilt at the conclusion of the trial. But at the initial stage if there is a strong suspicion which leads the Court to think that there is ground for presuming that the accused has committed an offence then it is not open to the Court to say that there is no sufficient ground for proceeding against the accused.

In the case of *Soma Chakravarty v. State Through CBI [(2007) 5 SCC 403]*, it was observed that the settled legal position, is that if on the basis of material on record the court could

form an opinion that the accused might have committed offence it can frame the charge, though for conviction the conclusion is required to be proved beyond reasonable doubt that the accused has committed the offence. At the time of framing of the charges the probative value of the material on record cannot be gone into, and the material brought on record by the prosecution has to be accepted as true at that stage. Before framing a charge the court must apply its judicial mind on the material placed on record and must be satisfied that the commitment of offence by the accused was possible. Whether, in fact, the accused committed the offence, can only be decided in the trial.

In the present case, the material collected during the course of investigation satisfies the requisite threshold for the purpose of framing of charge, insofar as accused Shiv Kumar and his wife are concerned.

However, with respect to accused Pawan Kumari also a senior citizen, who is the mother of accused Shiv Lal, the record does not disclose any specific or substantive allegation against her. A perusal of the initial complaint dated 08.08.2023, the statement of the complainant recorded under Section 161 Cr.P.C. on 18.08.2023, as well as her statement recorded under Section 164 Cr.P.C. on 12.10.2023, reveals that no role whatsoever has been attributed to accused Pawan Kumari in the alleged incident. The only reference to the involvement of accused Pawan Kumari surfaces in the supplementary statement of the complainant recorded under Section 161 Cr.P.C. on 18.12.2023, i.e., nearly six months after the lodging of the initial complaint. Even in the said

supplementary statement, the allegation against accused Pawan Kumari is vague, omnibus, and bereft of any particulars regarding her specific acts or role in the commission of the alleged offences. The omission of any allegation against accused Pawan Kumari in the earliest versions of the prosecution case, particularly in the complaint and the statement under Section 164 Cr.P.C., which carries greater evidentiary value at this stage, coupled with the inordinate and unexplained delay in introducing her name, creates a serious doubt about the veracity of the belated allegation. Such delayed and generalised assertions, without any supporting material, are insufficient to give rise to a grave suspicion or even a prima facie case against her.

In these circumstances, continuing the proceedings against accused Pawan Kumari would amount to subjecting her to an unwarranted trial in the absence of any cogent material linking her to the alleged incident. Accordingly, accused Pawan Kumari is discharged from the present case.

The sole submission advanced by the learned defence counsel is that the offences under Sections 3(1)(r) and 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, are not made out, as the alleged caste-based abuses were not uttered in the presence of any public person and, therefore, do not satisfy the statutory requirement of being committed “in any place within public view.”

As per the charge-sheet, the Investigating Officer has stated that during the course of local inquiry, he recorded the

statement of a neighbour, namely Mrs. Veena. However, a perusal of her statement recorded under Section 164 Cr.P.C. does not disclose any allegation regarding the utterance of caste-based remarks. During the course of arguments, the learned Additional Public Prosecutor for the State fairly conceded that the offences under Sections 3(1)(r) and 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, are not attracted in the facts of the present case. However, he submitted that the provisions of Sections 3(2)(v) and 3(2)(va) of the SC/ST Act would be attracted, in addition to Section 397 IPC, apart from the offences already mentioned in the charge-sheet.

I have gone through the record of the case, including the complaint and the statements of the complainant and her mother recorded during investigation. The allegations consistently disclose that the complainant and her mother were subjected to physical assault by the accused persons. The complainant has specifically alleged that accused Shiv Lal inflicted injuries upon her, including by using a knife, while both the complainant and her mother were beaten. At this stage, the statements of the complainant and her mother, who is also an injured witness, are sufficient to prima facie establish the ingredients of the offence punishable under Section 323 IPC against the accused Shiv Lal and his wife. The complainant has further alleged that obscene and derogatory words were used against her by accused Shiv Lal with the intention to insult her modesty which are stated in the complaint, which, if taken at face value, satisfies the essential ingredients of Section 509 IPC. Further, the complainant has specifically alleged that accused Shiv Lal forcibly tore the clothes

of the complainant as well as her mother during the course of the incident. Such an act, if taken at face value, amounts to the use of criminal force with the intention of disrobing or compelling a woman to be naked, thereby squarely attracting the essential ingredients of the offence punishable under Section 354-B IPC. At the stage of framing of charge, the said allegation is sufficient to raise a prima facie case against accused Shiv Lal for the offence under Section 354-B IPC, the truth or otherwise of which shall be determined during trial.

The material on record further discloses that during the course of the same incident, accused Shiv Lal forcibly removed the gold chain worn by the complainant's mother, thereby committing robbery. The allegations indicate that criminal force and violence were used at the time of committing the said act. It is further alleged that accused Shiv Lal was armed with a knife and caused injury to the complainant. The use of a deadly weapon during the commission of robbery prima facie attracts the enhanced provision of Section 397 IPC, read with Section 394 IPC. At this stage, the Court is only required to examine whether there is material giving rise to a grave suspicion regarding the use of a deadly weapon during the commission of robbery, which is clearly made out from the allegations on record.

It is not in dispute at this stage that the complainant belongs to a Scheduled Caste. The allegations, read as a whole, disclose that the offences were committed against her in the backdrop of her caste identity. Though the offences under Sections 3(1)(r) and 3(1)(s) of the SC/ST Act are not attracted in the facts

of the present case, the provisions of Sections 3(2)(v)(a) and 3(2)(va) of the SC/ST Act are prima facie attracted. The offence of robbery under section 394 IPC alleged against accused Shiv Lal with the use of a deadly weapon, is punishable with imprisonment for life or 10 years as the case may be with a minimum sentence of 7 years under section 397 IPC. At this stage, there is sufficient material to raise a prima facie inference that the offences were committed against a member of a Scheduled Caste, and whether they were committed “on the ground that” the victim belonged to such community is a matter to be tested during trial. Further for causing criminal intimidation, section 506(II) is also attracted against accused Shiv Lal.

As far as accused Rani Devi is concerned, the material on record discloses her participation in the incident to the extent of causing physical assault to the complainant. The allegations against her, if taken at face value, prima facie make out an offence under Section 323 IPC. In view of the caste status of the complainant and the nature of the allegations, a prima facie case under Section 3(2)(va) of the SC/ST Act is also made out against her because section 323 IPC is a scheduled offence for section 3(2)(va) of the SC/ST Act. The role attributed to accused Shiv Lal is graver in nature, attracting offences under Sections 509, 354-B, 323, 506(II) and 394 read with Section 397 IPC along with Sections 3(2)(v)(a) and 3(2)(va) of the SC/ST Act, whereas accused Rani Devi is prima facie liable for offences under Section 323 IPC and Section 3(2)(va) of the SC/ST Act. The accused Pawan Kumari, against whom no grave suspicion arises from the material on record, stands discharged.

Put up for framing of charge on 07.01.2026.

Both the accused persons namely Shiv Kumar and Rani Devi are directed to appear in person on the next date of hearing.

Accused Pawan Kumari is directed to furnish bail bonds under section 437A Cr.P.C in the sum of Rs.20,000/- on the next date of hearing ie 07.01.2026.

(SAMAR VISHAL)
ASJ-02/SOUTH/SAKET COURTS
NEW DELHI/06.01.2026