

Matter is taken up through physically as well as virtually

SC No: 555/2023

FIR No: 306/2023

PS: Sangam Vihar

State Vs. Vishal & Anr.

23.12.2023

This is a fresh charge sheet received on committal. It be checked and registered.

Present: Sh.Gurbhej Singh Guraya, Ld. Chief Public
prosecutor for the State.

Both accused Vishal and Deepak @ Yash are
present on bail.

Ms. Asha, Ld. Counsel for both the accused.

Fresh vakalatnama has been filed on behalf of
accused Vishal. Same is taken on record.

I have heard the learned Chief Public Prosecutor
for the State as well as the learned counsel for the accused persons
on the point of charge and perused the chargesheet, the statements
recorded under Section 161 Cr.P.C and other materials available on
record.

Ld. Counsel for accused persons submits that
accused persons have been falsely arrested in this case and no
case is made out against them. It is further submitted that they
have no intention to cause death of Varun Kashyap and caused
injuries to him.

On the other hand, learned Chief Public Prosecutor for the State has argued that allegations against the accused persons are not general but specific and prima facie case is made out against them as per the FIR and statement of witnesses for the offences under Section 308/34 IPC.

It is clear that at the stage of consideration for framing of charge, the court is not required to meticulously judge the truth, veracity and effect of evidence which the prosecution proposes to adduce nor weight is attached to the probable defence of the accused. The Court is not required to assess if there is sufficient ground for conviction or whether the trial is definitely going to end in the conviction of accused. It is only to be considered if there is a strong suspicion which leads the court to think that there are grounds for presumption that the accused had committed an offence.

In view of the above arguments and also the statement of the injured and other materials available on record, prima facie, charge under Section 308/34 IPC is made out against the accused persons and as such, charge is accordingly framed to which accused persons pleaded not guilty and claimed trial.

Put up for prosecution evidence on **08.02.2024**.

The witnesses mentioned at Sl. No. 1,2,3, & 4 in the list of witnesses be summoned for the above said date.

(MADHU JAIN)

Principal District & Sessions Judge (South)
Saket Courts, New Delhi : 23.12.2023