

SC No. 379/2025
State Vs. Ajay and Arjun
FIR no.98/2021
PS Sangam Vihar

19.01.2026

Present: Sh. Arun Kumar Singh, Ld. Additional PP for the State.
Accused Ajay @ Monu and Arjun @ Vikar are present.
Accused Arman is declared PO vide order dated 30.04.2025.
Sh. Tariq Hashmi, Ld. DCLADC for accused Ajay @ Monu.

Matter is listed for arguments on the point of charge.

Accused Arjun @ Vikas requests for providing him services of legal aid counsel as he is not in a financial position to engage as counsel.

Sh. Tariq Hashmi, Ld. District Legal Aid Defence Counsel (DCLADC) is appointed for the defence of the accused Arjun @ Vikas to represent him in the present case. Copy of this order be sent to Ld. Secretary, DLSA, South for information.

It is submitted by Ld. Additional PP for the state that there is sufficient material on record to frame the charge against both the accused persons. It is further submitted that

Ld. DCLADC for accused conceded on the point of charge.

I have heard Ld. Additional Public Prosecutor on the point of charge and gone through the records.

The case of the prosecution is that on 08.03.2021 at about 05:15am, at Gali no.16, near transformer, Sangam Vihar,

New Delhi, accused Ajay @ Monu and Arjun @ Vikas along with their associate Arman who has been declared a proclaimed offender robbed complainant who was the driver of a cab, of his purse containing cash of Rs.4800/- and one mobile phone make Samsung A50 on knife point. During the course of investigation, on 10.03.2021, accused Ajay @ Monu @ Nannu and Arjun @ Vikas were arrested and the robbed articles that are cash of Rs.1000/- and mobile phone make Samsung A50 were recovered from accused Arman (since PO). During the investigation the accused refused to participate in the test identification parade. After going through the chargesheet it is clear that there is a prima facie case of robbery against both the accused.

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 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 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 against the accused persons.

Accordingly, charges qua accused persons namely Ajay @ Monu @ Nannu and Arjun @ Vikas has been framed for offences punishable under section 392/394/411/34 IPC to which they have pleaded not guilty and claimed trial. Additionally charge qua accused Ajay @ Monu @ Nannu has been framed for offence punishable under section 397 IPC to which he has pleaded not guilty and claimed trial.

Witnesses at S. No. 1 to 7 mentioned in the list of witnesses be summoned for next date of hearing i.e. 16.03.2026.

Witnesses at S. No. 8 to 14 mentioned in the list of witnesses be summoned for next date of hearing i.e. 17.03.2026.

MHC(M) with case property, if any be also summoned for next dates of hearing.

Put up for PE on 16.03.2026 and 17.03.2026.

(SAMAR VISHAL)
ASJ-02/SOUTH/SAKET COURTS
NEW DELHI/19.01.2026