

SC 597/2025
STATE Vs. RAJESH PANWAR AND ANR
FIR No. 336/2025
PS Neb Sarai

03.02.2026

Present: Sh. Arun Kumar Singh, Ld. Additional PP for the State.
Accused Rajesh Panwar produced from JC.
Sh. Nitin, Ld. Counsel for accused Rajesh Panwar through VC.

1. The case is presently at the stage of consideration on framing of charge. I have heard the learned Additional Public Prosecutor for the State as well as the learned counsel for the accused and have perused the record.

2. It has been submitted by the learned counsel for the accused that the alleged firearm injury sustained by the victim was on the right thigh, which is not a vital part of the body, and therefore the offence of attempt to murder is not attracted. It is further argued that the victim was discharged from the hospital on the very same night, and that since the gunshot injury was caused on the leg, the requisite intention or knowledge to commit murder cannot be inferred in the facts of the present case.

3. Per contra, the learned Additional Public Prosecutor for the State has submitted that there is sufficient material on record to frame a charge under Section 307 IPC, now corresponding to Section 109(1) of the Bharatiya Nyaya Sanhita, 2023. It is

submitted that in the intervening night of 12–13.08.2025, the accused fired a shot from his pistol at the victim Anuj, who was working at a restaurant in Neb Sarai. It is further submitted that the accused was armed with a pistol as well as a sword at the time of the incident, and that the bullet struck the victim on his thigh. It is also contended that the pistol used in the commission of the offence was recovered from the accused immediately after the incident, which lends further corroboration to the prosecution case.

4. I have carefully gone through the record of the case and the submissions advanced on behalf of both the parties.

5. 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.

6. 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.

7. 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.

8. 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.

9. 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.

10. Regarding section 307 IPC, the Hon'ble Supreme Court in *Jage Ram and Others Vs. State of Haryana, 2015 II AD (S.C.) 523* held as under:-

"12. For the purpose of conviction under Section 307 IPC, prosecution has to establish (i) the intention to commit murder and (ii) the act done by the accused. The burden is on the prosecution that accused had attempted to commit the murder of the

prosecution witness. Whether the accused person intended to commit murder of another person would depend upon the facts and circumstances of each case. To justify a conviction under Section 307 IPC, it is not essential that fatal injury capable of causing death should have been caused. Although the nature of injury actually caused may be of assistance in coming to a finding as to the intention of the accused. Such intention may also be adduced from other circumstances. The intention of the accused is to be gathered from the circumstances like the nature of the weapon used, words used by the accused at the time of the incident, motive of the accused, parts of the body where the injury was caused and the nature and severity of the blows given etc.

11. In the present case, the material collected during the course of investigation, when taken at face value, satisfies the requisite threshold for the purpose of framing of charge against the accused under Section 307 IPC, now corresponding to Section 109(1) of the Bharatiya Nyaya Sanhita, 2023. At this stage, the Court is not required to conduct a meticulous examination of the evidence or to determine the truthfulness of the prosecution case.

12. Regarding the offence, under Section 25/27 Arms Act, at present the FSL report has not been filed by the Prosecution nor is there a sanction under Section 39 of the Arms Act. Therefore,

at this stage, no charge can be framed under Section 25/27 Arms Act. The Prosecution may press upon those charges after filing the FSL result and sanction under Section 39 of Arms Act.

13. Accordingly, this Court is of the considered view that all the essential ingredients of the offence under Section 109(1) of the Bharatiya Nyaya Sanhita are prima facie made out against the accused.

14. Charge qua the accused Rajesh Pawar is accordingly framed for the offence punishable under Section 109 of the Bharatiya Nyaya Sanhita, 2023, to which he has pleaded not guilty and has claimed trial.

15. Put up for evidence of the complainant/injured Anuj on 16.03.2026.

(Samar Vishal)
ASJ-02 (South)/ Saket Courts
New Delhi/03.02.2026