

SC 25/2019
STATE Vs. PAPPU DASS
FIR No. 350 /2017
PS Palam Village

06.02.2020

Present : Sh. Shiv Kumar, Ld. Addl. PP for State.
Both accused on bail.
Sh. Abhuday Kumar, counsel for both accused.
IO absent despite being bound down.

Arguments on charge addressed by respective counsels heard.

During course of arguments, counsel for accused has submitted that no charge U/sec 308/34 IPC is made out against accused persons as injuries suffered by injured is simple in nature. It is submitted that on basis of facts as alleged, at maximum Section 323 IPC is attracted for alleged act of accused persons.

Ld. Additional PP for State on the other hand has submitted that charge for commission of offence U/sec 308 IPC is made out against accused persons as there are clear averments of complainant in the complaint given regarding beating by accused with rod over head of injured which is vital part.

It is well settled that at the stage of charge, court is not to weigh evidence in a critical manner and merely prima facie view is to be taken. Usage of rod over head of injured by

accused itself denotes intention and knowledge of accused and for act of accused, I am of the view that prima facie offences U/sec 308/34 IPC is made out against accused persons. Let charge against accused persons be framed for the same section.

Charge U/sec 308/34 IPC is framed against accused persons to which accused have pleaded not guilty and claimed trial.

Issue B/Ws against IO in sum of Rs. 10,000/- with one surety of like amount to be executed through CP, Delhi for NDOH.

Be put up for PE on **07.04.2020**.

Let PW Shavez Khan, ASI Suresh Kumar and Dr. Solank Roy Chaudhary be summoned for PE for NDOH.

**(Sonu Agnihotri)
ASJ-02 (South- West),
Dwarka Courts, Delhi
06.02.2020**