

SC No. 325-2023  
STATE Vs. VIKRANT & Ors.  
FIR No. 536/2022  
PS : Baba Haridas Nagar  
U/s : 323/341/506/509/308B/149/34 IPC  
CNR No. DLSW01-004838-2023

30.07.2024

**Present:** Shri Dushyant Siwatch, Ld. Addl. Public Prosecutor for the State.  
Shri Maharaj Tyagi, counsel for all the accused (through VC).  
All accused persons are present on bail.

Vide this order, I shall decide on the point of charge qua all accused persons, namely, Vikrant, Raj Rani, Ramesh, Ankita and Kritika.

During the course of arguments, it is submitted on behalf of counsel for all the accused persons that during the alleged incident accused Raj Rani was trying to rescue the injured persons and has been falsely implicated during the investigation of the case. It is submitted that Section 308 IPC was added later on and there are contradictory statement of witnesses on record. It is submitted that as per the MLC of the injured Ajit Singh, the nature of injury is stated to be simple and therefore in the facts and circumstances of the present case, Section 308 IPC is not made out against the accused persons.

Per contra, it has been argued on behalf of Ld. Addl. Public Prosecutor for the State that the allegations against all the accused persons are serious in nature and all of them had committed the alleged offences pursuant to their common intention. It is submitted that complainant Ajit Singh had received head injuries pursuant to the attack on him by the accused persons by *hathora*/Hammer.

Rival contentions heard. Charge-sheet perused. Considered.

Careful and meaningful reading of the charge-sheet and documents annexed thereto reflects that the allegations against the accused persons as per the prosecution are that on 01.11.2022 at about 02:00 pm within the jurisdiction of PS BHD Nagar, the injured complainant Ajit Singh was going alongwith his wife Anita to his house in a scooty. It is alleged that when Ajit Singh/complainant and his wife reaching there gali, accused persons Vikrant and Raj Rani stopped and restrained them from going further and Vikrant had a *hathora*/hammer in his hand with which he started hitting on the head of the complainant Ajit Singh. It is further alleged that accused Ramesh Kumar hit the complainant with a brick and accused Raj Rani also attacked the complainant with a *lathi* with the intention to kill them. It is submitted that the injured Ajit Singh was hit by accused persons Ramesh, Vikrant, Kritika and Raj Rani with hammer, lathi and stones with the intention to kill him. It is further alleged that accused Vikrant also hit the wife of complainant Anita on her head with a *hathora* and tried to tear her clothes while accused Ankita held both her hands. It is further the case of the prosecution that the accused Vikrant also hit injured Anita with a brick on her waist when she alongwith her husband were going to Jaffarpur hospital at the time of incident. It has been alleged that all the accused persons threatened to kill them. It is further alleged that accused persons also abused the complainant Ajit Singh and his wife.

It is a settled proposition of law that at the time of framing of charge, it has to be seen from the material available

on record whether a prima facie case has been made out against accused or not. Reliance is placed on the judgment of ***UOI Vs. Prafulla Kumar Samal & Another (1979) 3 SCC 4, Dipakbhai Jagdish Chandra Patel Vs. State of Gujarat (2019) 16 SCC 547*** in this regard.

It is settled law that at the stage of framing of charge, the Court has only to take a prima facie view and not to minutely examine the material. In the case of **“Onkar Nath Mishra & Others Vs. State (NCT of Delhi) & Another”**, 2008 (1) JCC 65, the Hon'ble Supreme Court has observed, as under: -

*“It is trite that at the stage of framing of charge the court is required to evaluate the material and documents on record with a view to finding out if the facts emerging therefrom, taken at their face value, disclosed the existence of all the ingredients constituting the alleged offence. At that stage, the court is not expected to go deep into the probative value of the material on record. What needs to be considered is whether there is a ground for presuming that the offence has been committed and not a ground for convicting the accused has been made out. At that stage, even strong suspicion founded on material which leads the court to form a presumptive opinion as to the existence of the factual ingredients constituting the offence alleged would justify the framing of charge against the accused in respect of the commission of that offence.”*

In another case reported as **“Palwinder Singh Vs. Balwinder Singh”**, Cr. Appeal No. 1681/2008, the Hon'ble Supreme Court has ruled, as under: -

*“The jurisdiction of the learned Sessions Judge while exercising power under Section 227 of*

*the Code of Criminal Procedure is limited. Charges can be framed also on the basis of strong suspicion. Marshalling and appreciation of evidence is not in the domain of the court at that point of time.”*

Thus, from the catena of judicial principles, it is established that at the stage of framing the charge, a Court of law is not required to hold elaborate inquiry and only a prima facie case is to be seen. Further, the mandate of Section 228 of CrPC indicates the absence of requirement of recording of ‘*detailed reasons*’. At that stage, the only object of the Court is to arrive at a satisfaction as to the existence of sufficient grounds for proceedings against the accused persons.

Careful and meaningful reading of the statements of witnesses including the injured persons Ajit and the statement of Anita recorded under Section 161 Cr.P.C., as well as statement under Section 164 Cr.P.C., prima facie corroborates the allegations as averred in the charge-sheet. The role of the accused persons has been provided both by the injured persons as well as independent witnesses, namely, Sunita, Susheela, Vandana who are the residents of the same locality whose statements under Section 161 Cr.P.C. have been annexed alongwith the charge-sheet. Further the MLC of the injured Ajit Singh shows that he had received injuries on his head and had been hospitalized in Swastik Hospital for five days. The MLC of injured Anita reflects that she did not receive any external injury but had pain in whole body. There is sufficient evidence to suggest that accused person pursuant to their common intention restrained the complainant Ajit Singh and his wife before causing them injuries

and that accused Vikrant hit the wife of complainant Anita on her waist and tried to torn her clothes.

Hence, in the light of legal pronouncement and after hearing the parties as well as considering the material collected during the course of investigation and submitted before this Court in the form of charge-sheet, this Court is of the considered opinion that at this stage, there is strong and grave suspicion that accused persons have committed offences punishable u/s 308/323/341/506/34 IPC. The accused Vikrant is also charged separately for the offences under Section 509 IPC and 354B IPC.

Put up for framing of charge on 23.08.2024.

**(Gurmohina Kaur)**  
**ASJ-05/South-West District,**  
**Dwarka Courts/New Delhi**  
**30.07.2024**