

CNR No. DLNT01-008981-2024
SC No.372/2024
State vs. Naveen @ Vicky
FIR No. 46/2013
PS: Bawana
U/s 307 IPC

21.08.2024

Present : Ms. Neeta Gupta, Ld. Chief PP for the State.

Accused present on bail with Ld. Chief Legal Aid
Defence Counsel Sh. Robin Kamra, who has filed his authority letter
issued by the Secretary, DLSA, North, Rohini, Courts, Delhi.

IO Inspector Uday Singh is present in person.

Arguments on the point of charge, have been heard.

Ld. Counsel for the accused has argued that charge u/s
307 IPC is not made out against the accused as the injuries sustained
by the injured is simple in nature.

Ld. Chief PP for the State has argued that the accused
has stabbed the complainant on his neck with knife, with intention to
kill him. The nature of injuries is immaterial when there is clear
intention to kill the injured.

File perused.

Perusal of the record including the charge-sheet, the
complaint of the complainant Vinod Kumar and the other
documents, which have been placed on record, clearly show that the
accused stabbed the complainant, on his neck by using a sharp edged
weapon i.e. a knife, with such intention or knowledge that he would
have caused the death of victim Vinod Kumar.

It is a settled proposition of law that at the time of
framing of charge, the Court is not required to marshal any evidence
and only grave suspicion is to be seen and when grave suspicion

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arises, charge can be framed against the accused. Reliance can be placed upon *Alpana Dass v. CBI 2006 (90) DRJ 441* and in the case of *Union of India v. Prafulla Kumar Samal 1979 SSC (3) 609*.

Guided by the above Judgments, it can safely be observed that at the time of Charge, the court does not have to weigh the evidence collected by the prosecution on the scale, which would be applicable after the prosecution has led its evidence.

From the scrutiny of the complaint made by the complainant Vinod Kumar and the other prosecution evidence, the inference is against the accused, at least, at this prima facie stage.

Accordingly, I am of the opinion that, at this stage, a prima facie case u/s 307 IPC, is made out against accused Naveen @ Vicky.

Formal Charges for offences punishable u/s 307 IPC, is accordingly framed against the accused Naveen @ Vicky, to which, the accused has pleaded not guilty and claimed trial.

Matter be listed for PE on 14.10.2024, 15.10.2024 and 16.10.2024. IO and MHC(M) be summoned for all the dates, fixed for PE.

Witnesses be summoned as per the following schedule:

Date	PWs (to be summoned)
14.10.2024	PWs mentioned at serial Nos. 1, 2, 5 & 6
15.10.2024	PWs mentioned at serial Nos. 3, 4 & 9
16.10.2024	PWs mentioned at serial Nos. 7, 8, 10 & 11.

(VINAY KUMAR KHANNA)
Principal District & Sessions Judge (North)
Rohini Courts, Delhi/21.08.2024