

15 SC No. 601/2025
STATE Vs. RATAN KUMAR & Anr.
FIR No. 570/2024
PS : Bindapur
u/s : 109(1)/3(5) BNS
CNR No. DLSW01-008687-2025

16.02.2026

Present: Shri Girish Kumar Manhas, Ld. Addl. PP for State.
Accused Raj Kumar @ Raju produced from JC
(Through VC)
Accused Ratan and Pradeep in person on bail.
Ms Suman, Ld Counsel for the accused Ratan.
Sh Abhinav Rai, Ld Counsel for the accused Pradeep
Sh. V S Chauhan Ld. LADC for the accused Raj
Kumar @ Raju

Arguments on the point of charge have been heard at length.

Ld. Addl. PP for the State has submitted that the material collected during investigation clearly discloses the involvement of the accused persons in a knife assault upon the injured Gagan at his vital organs ie Abdomen and Neck thereby attracting the offence punishable under Section 109(1) of the Bharatiya Nyaya Sanhita, 2023 (hereinafter “BNS”) read with Section 3(5) BNS.

On the other hand, Ld. Defence Counsels have submitted that the accused persons have been falsely implicated in the present case and there is total absence of any credible evidence against the accused persons.

I have heard, the Ld. Addl. PP for the state as well as the Ld. Counsel for the accused persons and have given my anxious and thoughtful consideration to the submissions made. Further, I have also perused the entire record.

The case of the prosecution, as emerging from the charge-sheet and documents annexed thereto is that on 09.12.2024 at about 6:30 PM, near Gym Wala Park, in front of Allahabad Bank, Phase-3, Sector-3, JJ Colony, Dwarka, within the jurisdiction of PS Binda Pur, the accused persons pursuant to prior enmity reached the spot and assaulted the injured Gagan. It is specifically alleged that accused Rajkumar @ Raju took out a knife and inflicted blows on the neck and abdomen of the injured while the other accused persons participated in the assault in furtherance of their common intention.

The MLC No. 18306/2024 of the injured Gagan reflects stab wounds on vital parts of the body namely neck and abdomen. The nature of injury has been opined as grievous.

It is trite law that at the stage of framing of charge, the Court is not required to conduct a meticulous appreciation of evidence or evaluate its probative value. The Court must examine whether there are grounds leading to a prima facie view.

In the present case, the use of a knife, the targeting of vital parts of the body such as neck and abdomen of the injured, the grievous nature of injuries and the allegations of prior enmity collectively prima facie indicate the requisite intention and knowledge contemplated under Section 109(1) BNS. The role attributed to the co-accused reflects participation in furtherance of common intention thereby attracting Section 3(5) BNS.

The defence contentions relating to false implication or contradictions are matters of trial and cannot be adjudicated at this preliminary stage.

In view of the foregoing discussion, this Court holds that there are sufficient grounds to frame charges against the accused Rajkumar @ Raju, Ratan and Pradeep for the offence punishable under Section 109(1) BNS read with Section 3(5) BNS.

Accordingly, charge under Section 109(1) BNS read with Section 3(5) BNS is framed against the aforesaid accused persons namely Raj Kumar @ Raju, Ratan and Pradeep to which the accused persons pleaded not guilty and claimed trial.

List the PE on **06.04.2026**.

Let PWs mentioned at S. No. 1/ Gagan be summoned through IO concerned for NDOH.

Also issue notice to IO and MHCM concerned to produce the case property, if any, on NDOH.

As charges qua accused Raj Kumar @ Raju has been framed through VC, let the copy of the charge be sent to the concerned Jail Superintendent whereupon the concerned Superintendent is directed to send the same duly signed by the accused Raj Kumar @ Raju by NDOH.

Copy of this order be sent to Jail Superintendent for compliance.

(Ravinder Singh - II)
ASJ-05/South-West District,
Dwarka/ Delhi/16.02.2026