

Present: Ld. APP for the State.
Accused in person.
Sh. Jatin Dua, Ld. LADC for accused.

Matter has been fixed for arguments on the aspect of charge today.

Arguments heard at length on behalf of both the parties.

Ld. Counsel for the accused has gone on to argue at length that no case is made out for framing of charge against the accused as the allegations are not substantiated by the material on record.

Per contra, Ld APP for the State has argued that the material on record is sufficient to justify the framing of charge against the accused persons.

It is trite law that at the time of framing of charge, the Court need not enter into a detailed appreciation of the evidence intended to be led by the prosecution to bring home the guilt against the accused. The Court only has to be satisfied that a prima facie case is made out against the accused. The said principle has been duly enunciated by the decision of *Hon'ble Apex Court in Omvati v. State (Delhi Admn.), (2001) 4 SCC 38*:

“At the stage of passing the order in terms of Section 227 of the Code, the Court has merely to peruse the evidence in order to find out whether or not there is a sufficient ground for proceeding against the accused. If upon consideration, the court is satisfied that a prima facie case is made out against the accused, the Judge must proceed to frame charge in terms of Section 228 of the Code. Only in a case where it is shown that the evidence which the prosecution proposes to adduce to prove the guilt of the accused, even if fully accepted before it is challenged in cross-examination or rebutted by defence evidence cannot show that the accused committed the crime, then and then alone the court can discharge the accused. The court is not required to enter into meticulous consideration of evidence and material placed before it at this stage.”

In light of the aforesaid observations, this Court is of the considered opinion that there exists prima facie material against the accused persons. No case is made out to enter into a detailed appreciation of the evidence intended to be led by the prosecution.

Charges are accordingly framed against the accused u/s **137(2) BNS** and read over to the accused in Hindi to which he pleaded not guilty and claimed trial.

Statement of accused u/s 294 Cr.PC recorded where he admitted factum of registration of present FIR, Certificate u/s 63(4)(C) BSA, DD No. 18A and DD No. 95A, MLC No. 7856/2026, Recording of Statement u/s 183 BNSS, age proof of accused and age proof of victim and Endorsement on Rukka. Accordingly, witness at serial no.3, 4, 5, 6, 8 and 9 are dropped from the array of witnesses.

Let witnesses at serial No. 1 and 2 in the list of witnesses arrayed by the prosecution be summoned for PE on **31.10.2026**.

(ABHINAV SINGH)
JMFC-01/NW/Rohini
21.05.2026