

State Versus Prithvi Singh & Others

FIR No. 370 of 2023

Present: Sh. Pardeep Yadav, Ld. APP for the State.

Accused **Satyadev, Ahivaran, Prithvi Singh and Deshraj** on bail, represented by Sh. Vidya Sagar Bhardwaj, Advocate.

1. Submissions heard on the point of framing of Charge.
2. It has been argued by Learned Counsel for the accused persons that in the present case, though final Police Report/Challan was presented under Sections 323/427/452/506 read with Section 34 of the Indian Penal Code, 1860, but no offence under Section 452 of IPC is made out against the accused persons.
3. Per contra, it has been argued by Learned APP for the State, that from the material placed on record, a prima facie case under Section 452 IPC is clearly made out the accused persons.
4. This Court has heard the rival submissions advanced by the Learned Defence Counsel and Learned APP for the State, and has perused the record carefully.

Since the point for consideration before this Court is framing of charge, it is pertinent to mention that at the time of framing of charge, probative value of the material on record cannot be gone into. Strong proof for holding the accused guilty is not required at this stage. Even a strong suspicion found on the material placed on record is quite sufficient for forming a presumptive opinion as to the factum of the commission of offence alleged. Only a prime facie version is to be seen. This Court finds support from the observations made by the Hon'ble Supreme Court in **State of Orissa Vs. Debendra Nath Padhi AIR 2005, SC 359**, wherein it has been held *that at the time of charge framing it is only required to be seen whether*

there is a prima facie case against the accused or not. A fishing or a roving inquiry at that stage is impermissible. The defence of the accused cannot be put forth at that stage, otherwise it would result in a mini-trial.

Further, in **Onkar Nath Mishra & Ors vs State (Nct Of Delhi) & Anr, (2008) 2 SCC 561**, the Hon'ble Supreme Court reiterated the above principle by stating that *at the stage of charge, 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.*

5. In the present case, as per the Challan and the documents annexed thereto, there are specific allegations that the accused persons, in furtherance of their common intention, came armed with sticks, and trespassed into the premises of the petrol pump after preparation for causing hurt, and thereafter assaulted the Complainant and his co-workers, besides causing damage to the property and extending threats.

6. These allegations, at this stage, *prima facie* satisfy the essential ingredients of Section 452 IPC along-with other offences. Needless to state, the truthfulness or otherwise of the allegations cannot be adjudicated at this stage and the same is to be decided during trial on the basis of evidence to be led in due course. Therefore, the contention regarding applicability of Section 452 of IPC as raised by Learned Defence Counsel, is not sustainable at this stage.

7. In view of the above, a *prima facie* case for commission of offences punishable under **Sections 323/427/452/506 read with Section 34 of the Indian Penal Code, 1860**, is found to be made out against the accused

persons. Accordingly, charge sheet has been served upon the accused persons, to which they have pleaded not guilty and have claimed trial.

Now to come up on **11.05.2026** for prosecution evidence. Witnesses mentioned at Sr. No. 1 to 3 in the list of prosecution witnesses be summoned for the date fixed.

(Mansi Dhiman)
Chief Judicial Magistrate
Palwal,
UID No. HR-0343

Date of Order: 18.04.2026

Sania/Steno Gr. II