

THE COURT OF SESSIONS JUDGE, JHANSI.

Present: Pramod Kumar - I, H.J.S.

S.T.No. 64/2019

State

Vs. Mohammed & another

U/S 304/34, 323, and 504 I.P.C.

**Crime No. 407 of 2018
P.S. Babina, District Jhansi.**

CHARGE

I, **Pramod Kumar-I**, Sessions Judge, Jhansi, do hereby charge you **Mohammed & Sattar** as follows:-

Firstly, that you on 16.12.2018 at 19.00 hours, on the road, near the house of Vinod Ahirwar at village Khajraha, within the circle of P.S.Babina, district Jhansi, in furtherance of your common intention beat the complainant and his wife Smt. Sabina Bano with Lathi & Danda and voluntarily caused injuries to them, and thereby committed an offence punishable under Section 323/34 I.P.C. and within the cognizance of this Court.

Secondly, that you on the aforesaid date, time and place, in furtherance of your common intention, voluntarily caused injuries to Smt. Sabina Bano, the wife of the complainant, by beating her with Lathi & Danda as a result of which she died during treatment on 18.12.2018, and thereby you committed culpable homicide not amounting to murder, punishable under Section 304 read with 34 I.P.C. and within the cognizance of this court.

Lastly, that on the aforesaid date, time and place you abused the deceased Smt. Sabina Bano and her husband Taj Ali in vulgar language, intentionally insulted them and gave provocation, intending or knowing it to be likely that such provocation will cause them to break the public peace, or to commit any other offence, and thereby committed an offence punishable under section 504 I.P.C. and within the cognizance of this court.

And I hereby direct you to be tried on the said charges by this court of Sessions.

Dated: 03.07.2019

**(Pramod Kumar -I)
Sessions Judge,
Jhansi.**

Charges read over and explained in Hindi to the accused, who pleaded not guilty and claimed to be tried.

Dated: 03.07.2019

**(Pramod Kumar -I)
Sessions Judge,
Jhansi.**

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Case called out.

Accused Mohammed is present on bail, while accused Sattar is present from judicial custody, along with their counsel.

D.G.C.(Crl.) opened the case and described the evidence available on record. He submitted that accused are named in the F.I.R. and the investigating Officer has collected cogent evidence against them for committing culpable homicide by voluntarily causing injuries to Smt. Sabina Bano and her husband Taj Ali, resulting into death of Smt. Sabina Bano during treatment. There is prima facie sufficient evidence to frame charges for the offence under Sections 323/34,304/34 & 504 I.P.C. against accused.

On the other hand, learned counsel for accused has submitted that they have been falsely implicated in this case due to enmity. Prosecution witnesses have not supported the version of F.I.R. Hence, accused are liable to be discharged.

From a perusal of statements of witnesses and the documentary evidence available on record, there is prima facie sufficient evidence to frame charges for the offence under Section 323/34,304/34 & 504 I.P.C. against the accused.

Hence, charges for the said offence are framed against the accused. Accused denied the charge and claimed to be tried.

Put up on 02.08.2019 for prosecution evidence.

Dated: 03.07.2019

**(Pramod Kumar -I)
Sessions Judge,
Jhansi.**