

1325 State vs. Jaskaran

Present: Sh. Vikram Kashyap, APP for the state.

Sh. Uday Sooden, Adv. for complainant.

Accused on bail with counsel Sh. Sourabh Ohri, Adv.

Arguments heard on question of framing the charge. Learned APP for the state argued that the police has presented the challan after making thorough investigation and there is sufficient material to proceed against the accused for offence punishable under Section 341, 354, 356, 506, 323 IPC. On the other hand, learned defence counsel did not advance any arguments.

I have heard the contentions of both sides and have gone through the file carefully. After registration of FIR, investigation was conducted by the Investigating Officer, who recorded the statements of witnesses and on completion of investigation, this challan was presented. Hon'ble Supreme Court has held in 'State of Orissa and another V/s Saroj Kumar Sahu' 2006(1) RCR (Criminal) 324 that: "*At the stage of framing charge, Court has to only prima facie be satisfied about existence of sufficient grounds for proceeding against the accused.*" From the perusal of file, at this stage, I am prima facie satisfied about existence of sufficient grounds to proceed against the accused for offence U/s 341, 354, 356, 506, 323 IPC. Accordingly, separate charge against the accused has been framed to which he has pleaded not guilty and claimed trial. Now witnesses of prosecution be summoned for 2.11.2016.

Pronounced in open Court,
On 28.9.2016

(Kewal Krishan)
Addl. Chief Judicial Magistrate,
Pathankot.