

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Crl.M.P.8776/2000 in  
Petition(s) for Special Leave to Appeal(Crl.)...../2000

(From the judgement and order dated 29/08/2000 in CRLR 87/98  
of The HIGH COURT OF DELHI AT N. DELHI)

OM WATI & ANR. Petitioner (s)

VERSUS

STATE, THROUGH DELHI ADMN. & ORS. Respondent (s)

( for permission to file SLP )

Date : 11/12/2000 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.T. THOMAS  
HON'BLE MR. JUSTICE R.P. SETHI

For Petitioner (s) Mr. R.K.Handoo,adv.  
Mr. K.V.Mohan,Adv.  
Mr. Rohit P.Ranjan,adv.  
Mr. Parmindra Ojha,adv.

For Respondent (s)

UPON hearing counsel the Court made the following  
O R D E R

.....L.....I.....T.....T.....T.....T.....T.J  
.SP2

Application for permission to file SLP is allowed.  
When the Additional Sessions Court of Delhi framed a charge  
for offence under Sec.302 IPC etc. the accused challenged  
the said charge before the High Court. Learned Sessions  
Judge passed a detailed order before framing charge, though  
it has been clarified by this Court subsequently that no  
such detailed order is necessary when a trial court  
proposes to frame charge. But, unfortunately, the High  
Court has not dealt with any one of the reasons contained  
in such detailed order. The High Court quashed the charge  
with the following short order alone:

-2-

.....L.....I.....T.....T.....TJ.  
.SP1

"Heard learned counsel for  
the petitioners as also learned  
counsel for the State and perused  
the documents on record, in  
particular, the post-mortem  
report, I am of the view that the

charge under Sec.302 IPC cannot be made out. In this view of the matter, I quash the charge framed under section 302 IPC and direct the trial court to re-frame the charge in accordance with law based upon material on record. The revision petition is allowed."

.....L.....I.....T.....T.....T.....T.....J.  
.SP2

Prima facie we feel that the High Court is wrong. We suspend the impugned order of the High Court. Issue notice. We direct the trial to proceed in the meanwhile. We direct the trial court to permit the counsel for the mother of the deceased to assist the Public Prosecutor if any such application is filed in that behalf.

.SP1

(Suman Wadhwa)  
PA to Addl.Regr.

(H.K. Bhatia)  
Court Master