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IN THE HIGH COURT OF DELHI AT NEW DELHI
CRL.M.C. 3595/2011

PARVINDER SHOUKEEN @ NEETU Petitioner
Through: Mr. Vivek Kumar, Advocate

versus

STATE GOVT. OF NCT OF DELHI Respondent
Through: Mr. Sunil Sharma, APP

CORAM:

HON'BLE MR. JUSTICE V.K. SHALI

ORDER

02.11.2011

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1. This is petition u/s 482 Cr.P.C. against the order dated 24.08.2011 passed by the learned District Judge & ASJ Incharge (West) Delhi, by virtue of which the order dated 20.03.2011 passed by the learned Magistrate discharging the petitioner/accused was set aside and a charge u/s 354/323/341 IPC was directed to be framed. The learned ASJ has specifically observed that while discharging the present petitioner the learned Magistrate had not taken cognizance of the supplementary statement, dated 03.04.2007 made by the complainant stating that Neetu @ Parvinder Shaukeen, while riding a motorcycle, was one of the persons who had along with other un-ruly boys outraged the modesty of the complainant. The present petitioner was also identified by the complainant. This was considered sufficient by the learned ASJ to warrant the framing of the charge against him.

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Signing Date: 28.08.2024 16:49:39
Certify that the digital and physical file have
been compared and the digital data is as per
the physical file and no page is missing.

2. The learned counsel for the petitioner has not placed the copy of the supplementary statement on record. Learned counsel for the petitioner prays for some time to do the same, which is disallowed.
3. I have heard the learned counsel for the petitioner on the matter. It has been contended by the learned counsel for the petitioner that no prima facie evidence is on record to warrant the framing of the charge against the petitioner. I do not find any infirmity or illegality in the impugned order passed by the learned ASJ setting aside the order of the learned Magistrate of discharging the accused and framing the charge against him for committing an offence u/s 354/323/341 IPC on the basis of the supplementary statement of the complainant. At the stage of framing of the charge, what is required to be seen by the Court is whether there is a prima facie evidence on record against the accused person or not. Noticeably, in the present case the complainant in her supplementary statement has implicated the present petitioner. This fact has not been taken into consideration by the learned Magistrate while as before this Court also, the petitioner has ignored to place on record this statement. The learned Sessions Judge has

specifically referred to this statement and concluded that a prima facie case is made out. Accordingly, the petition does not have any merit, the same is dismissed.



V.K. SHALI, J

NOVEMBER 02, 2011

mr
PS