

Court No. - 89

Case :- APPLICATION U/S 482 No. - 42473 of 2023

Applicant :- Sachin And Another

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Vivek Kumar Shukla, Ramesh Kumar Shukla

Counsel for Opposite Party :- G.A.

Hon'ble Deepak Verma, J.

1. Heard learned counsel for the applicants and learned AGA for the State.
2. The present 482 Cr.P.C. application has been filed to quash the impugned framing of charge order dated 21.08.2023 as well as entire proceedings of S.T. No.314 of 2023 arising out of Case Crime No.415 of 2022 (State vs. Sachin and another), under Sections 307, 323, 504 I.P.C, Police Station Baghpat, District Baghpat, pending in the Court of Session Judge, Baghpat.
3. Learned counsel for the applicants has challenged the order dated 21.08.2023 by which learned Additional Session Judge, Baghpat has framed charge under sections 307, 323, 504 I.P.C. Learned counsel for the applicants states that framing of charge under section 307 I.P.C. is without application of mind and beyond evidence collected by the Investigating Officer as no offence under section 307 I.P.C. is made out and injuries are not on vital part of the body as well as witnesses statement also not disclosed the material evidence to frame charge under section 307 I.P.C., He next submitted that injured has received knife injury and medical report is also not supported to frame charge under section 307 I.P.C.
4. Learned A.G.A. has vehemently opposed the contention raised by learned counsel for the applicants and submitted that prima-facie offence is made out against the applicants.
5. Considered the arguments raised by learned counsel for the applicants and perused the entire records. At the time of framing of charge, learned magistrate has to consider the evidence collected by the Investigating Officer. If trial court finds that prima-facie offence under alleged section is made out, the trial court shall frame charge under aforesaid sections. The statement of witnesses during investigation under section 161 I.P.C. and contents of FIR disclose offence under section 307 I.P.C. and learned magistrate has rightly framed charge under section 307 I.P.C.

6. No interference is warranted. The present application under Section 482 Cr.P.C. lacks merit and is, accordingly, **dismissed**.

Order Date :- 21.11.2023
SKD