

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

Cr1 R02/2024

Mansoor Ansari
S/o Sh. Rafiq Ansari
R/o Village Chota Harki. Tongra Dumka Jharkhand
Presently lodged in District Jail Leh

....Petitioner/Appellant(s)

Through:- Mr. Shafiq Chowdhary, Advocate

V/s

Union Territory of Ladakh
Through Incharge Police Station
Leh

....Respondents(s)

Through:- Mr. Eishaan Dadhichi, CGSC

CORAM :
HON'BLE MR. JUSTICE VINOD CHATTERJI KOUL, JUDGE

ORDER

1. Petitioner, through the medium of the instant petition has challenged the order dated 04.10.2023 passed by the Court of learned Principal Sessions Judge, Leh, in Sessions Case No. 1/2023 titled “***UT of Ladakh vs. Manzoor Ansari & Ors.***” whereby charges for the commission of offences punishable under Section 302 read with Section 34 of Indian Penal Code (IPC) have been framed against him.

2. The order impugned framing charges is being challenged in this petition by the petitioner-Manzoor Ansari on the following grounds:

- (i) The order impugned has been passed contrary to settled principles and guidelines for framing of charge and is liable to be set aside;
- (ii) The order has been passed in a casual and mechanical manner without due application of judicial mind;
- (iii) The Trial Court has erroneously framed charges under Section 302/34 IPC; even assuming the prosecution story to be true in entirety, the offences under Section 302 IPC are not made out and at best the petitioner can be charged under Section 304 Part I/II IPC;
- (iv) The Trial Court has failed to appreciate the facts and evidence in their entirety, warranting setting aside of the impugned order;
- (v) A bare perusal of the FIR and evidence collected during investigation do not disclose any ingredient of the offence alleged;

3. The facts of the present case are that on 20.10.2022, the accused Mansoor Ansari, Rana Kha, and Megnath Bhandari were present in a rented room along with the deceased, Permod Kumar, and PW No.1. It is alleged that the accused, with a common intention, assaulted the deceased by delivering fist blows to his vital parts, namely the ribs and stomach, in the presence of witnesses. As a result of the injuries sustained, the deceased succumbed to his injuries and died around midnight on the same day. Thereafter, the accused fled from the spot.

4. Subsequently, the accused were arrested on 07.04.2023 and 10.04.2023. During the course of investigation, it was revealed that the motive behind the assault and subsequent death of Permod Kumar was linked to a labour engagement

dispute. The deceased, who was employed as a labour mate with the 133 RCC Company, GREF, had assured accused No.1 that he would arrange labour work for thirteen labourers brought by accused No.1 from Jharkhand. The accused No.1 had incurred substantial expenses on their boarding, lodging, and air-tickets. However, the deceased failed to secure permission to engage the said labourers. This failure led to a quarrel, resulting in the accused jointly assaulting the deceased continuously in the rented room, which caused his death.

5. The accused are, therefore, alleged to have committed offences punishable under Section 302 read with Section 34 of the Indian Penal Code.

6. The Trial Court, after hearing the arguments of the learned counsel for the parties, has concluded that, based on the supporting documents, evidence on record, and relying upon the applicable law as referred to in the judgment/order, there is sufficient material to presume that the accused have committed an offence punishable under Sections 302/34 of the Indian Penal Code. Consequently, the accused were ordered to be charge-sheeted for the commission of the offence punishable under Sections 302/34 IPC. The Trial Court has passed a detailed order, setting out the reasons therefor, which are supported by relevant case law cited in the impugned order.

7. Heard learned counsel for the parties and perused the material on record.

8. From the perusal of the material on record as well as perusal of the order impugned makes it clear that there are sufficient grounds to presume that accused have committed offence punishable under Section 302/34 IPC, therefore, the Trial Court has rightly charge-sheeted the accused for the said offences.

9. At the stage of framing charges, the Court is not required to scrutinize and appreciate the evidence proposed to be led by the prosecution during trial with the same rigor as is necessary when recording conviction or acquittal. Rather, the Court's duty, at this stage, is to determine whether the material collected by the Investigating Agency discloses a prima facie case for the commission of the alleged offence. The evidence gathered during the investigation must raise a strong suspicion regarding the involvement of the accused in the alleged offence and must disclose the essential ingredients of the offence(s) alleged.

10. The Hon'ble Supreme Court in case titled ***Kanti Bhadra Shah vs. State of West Bengal***, 2000 (1) SCC 722, has held that whenever the Trial Court decides to frame charges, it is not necessary to record reasons or to do discuss evidence in detail.

11. In case of ***State of Andhra Pradesh vs. Golconda Linga Swamy***, 2004 (6) SCC 522, the Hon'ble Supreme Court held that, at the stage of framing of charge, evidence cannot be gone into meticulously. It was held that it is immaterial whether the case is based on direct or circumstantial evidence and a charge

can be framed if there is material showing possibility about commission of the offence by the accused as against certainty.

12. In the present case, the Trial Court, after hearing both parties and upon examination of the material, concluded that sufficient material existed to frame charges under Section 302/34 IPC. The Trial Court passed a detailed order with reasons and referred to relevant case law in support thereof.

13. In view of the above, this Court finds no illegality or infirmity in the order dated 04.10.2023 passed by the learned Principal Sessions Judge, Leh, framing charges under Section 302/34 IPC against the petitioner.

14. The petition challenging the framing of charges is, therefore, **dismissed**.

15. The Trial Court shall proceed with the trial in accordance with law and expeditiously, without unnecessary adjournments.

(VINOD CHATTERJI KOUL)
JUDGE

JAMMU

BIR

01.09.2025