



\$~60 (25.11.2025)

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.REV.P. 481/2025 & CRL.M.A. 35046/2025

SANDEEP JHANJHARIYA @ KALA JATHERI Petitioner

Through: *Appearance not given.*

versus

THE STATE (GOVT. OF NCT OF DELHI) Respondent

Through: Mr. Hitesh Vali, APP for State along
with SI Rahul Khokher, Spl
Cell/NDR, Defence Colony.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **26.11.2025**

[The matter has been taken up today as 25th November, 2025 was declared a holiday on account of 350th anniversary of "Guru Teg Bahadur's Martyrdom Day"]

1. This petition under Section 438 and 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (corresponding to Sections 397 and 401 of the Code of Criminal Procedure, 1973²) is directed against orders dated 6th September, 2025 and 11th September, 2025, whereby charges under Sections 387, 34 and 120B of the Indian Penal Code, 1860³ have been framed by the Additional Sessions Judge-05, Patiala House Courts, New Delhi in case FIR No. 226/2022 dated 30th March, 2022, registered at P.S. Mohan Garden.

2. The case of the prosecution, in brief, is as follows:

2.1. The FIR was lodged on 30th March, 2022 on the complaint of

¹ "BNSS"

² "CrPC"

³ "IPC"



Rajender Prasad Gupta, who alleged that at about 07:10 PM, three persons entered his office, threw three slips at him, demanded INR 1 Crore, claimed they had been sent by one “*Kala Jathedi*”, and when he questioned them, one assailant fired at him, causing injuries to both his legs. CCTV footage recovered during investigation captured three persons entering the office. On 3rd April, 2022, pursuant to secret information, the police apprehended five persons at Hanumangarh, including Sunil Kumar Meghwal, Deepak Kashyap and Chanderbhan Nayak. Their disclosure statements led to the recovery of three pistols on 04th April, 2022 from the house of co-accused Deepak @ Mota,

2.2. On 07th April, 2022, the investigation was transferred to Special Cell. A request for TIP of accused Sunil Meghwal, Deepak Kashyap, and Deepak @ Mota was made, but all three refused. They were later identified by the Complainant, whose statement under Section 161 CrPC was recorded. Two stolen motorcycles alleged to have been used during the incident were traced to theft cases registered at P.S. e-Police Station Ranhola and P.S. Baba Haridas Nagar and were subsequently recovered from the plot of co-accused Arun Dhillu in Brij Ghera, Gurugram. Multiple recoveries followed, including clothes, mobile phones, and personal articles from the residences of Deepak @ Mota, Krishan Gopal, Sunil Meghwal, and Chanderbhan Nayak. The accused were also found to have stayed at a Dharamshala in Hanumangarh on 1st April, 2022, from where the ID proofs of Deepak Kashyap and Krishan Gopal were recovered.

2.3. From the mobile phone of Chanderbhan Nayak, the police recovered several contact numbers, including that of co-accused Sachin Deshwal @ Sachin Bhanja, along with two voice messages dated 30th March, 2022 (one



30 seconds and the other 11 seconds) sent by him. These messages contained instructions relating to extortion, naming the complainant, specifying the INR 1 Crore demand, outlining the execution plan, and referring to “Kala Jathedi”. FSL examination confirmed the voice to be that of Sachin Bhanja. Further, witness Punit Yadav, in his statement under Section 161 CrPC dated 23rd June, 2022, stated that accused Mohit Dahiya @ Tinu had confessed to having passed information about the Complainant to co-accused Om Prakash Dagar @ Kala, and that the extortion was arranged by the gang of Lawrence Bishnoi and Kala Jathedi, with the intention of compelling the complainant and other shopkeepers in Uttam Nagar to pay regular extortion amounts.

2.4. Several accused were subsequently arrested, including the present Petitioner, who was formally arrested on 16th June, 2022, while in custody in another case. He is the main mastermind, as his name appears in the voice notes as well as the three slips dropped at the Complainant’s office, though no recovery has been effected from him. Upon completion of investigation, a chargesheet was filed against the Petitioner under Sections 384, 307, 34 and 120B IPC read with Sections 25 and 27 of the Arms Act, 1959.

3. Counsel for the Petitioner submits that there is no *prima facie* material establishing any link between the Petitioner and the alleged offences. It is urged that the entire case of the prosecution rests on unfounded presumptions and is devoid of any admissible or substantive evidence implicating the Petitioner. The settled position of law requires that, before putting an accused to trial, there must exist at least a *prima facie* case, which, according to him, is completely lacking in the present matter. He further submits that the ingredients of the offences under Sections



387/34/120B IPC are not satisfied on the basis of the facts alleged. It is contended that the FIR was lodged merely on suspicion, without any evidence towards the involvement of the Petitioner, and the accusations levelled are vague, unsupported, and based on unreliable material.

4. The Petitioner was already in custody at the time of the alleged incident, and no recovery whatsoever has been effected from him. Neither any mobile phone nor any incriminating article has been seized to indicate any communication or connection with any of the co-accused persons or with the alleged incident. There are no call detail records, electronic communication, or witness statements connecting him with the planning or execution of the offence. Despite this complete lack of incriminating material, the Trial Court has relied upon extraneous factors and the disclosure statements of the co-accused to frame charges against the Petitioner by observing that a *prima facie* case of conspiracy exists. It is settled law that disclosure statements of co-accused, which are inadmissible under Section 30 of the Indian Evidence Act, 1872, have no probative value unless corroborated by independent material. In the present case, no such corroboration exists. The alleged disclosures and the material relied upon by the prosecution are weak, circumstantial, and insufficient to establish any conspiracy or active participation by the Petitioner.

5. On the other hand, Mr. Hitesh Vali, APP for the State, opposes the petition and supports the impugned orders. He submits that, at the stage of framing of charge, the Court is only required to consider whether a strong suspicion exists to proceed against the accused, and a meticulous evaluation of the evidence is impermissible at this stage. It is contended that the Trial Court, having regard to the well-established legal principles applicable at



this stage, has rightly proceeded to frame charges and put the matter to trial. According to the State, the impugned order is detailed and reflects due consideration of the prosecution material on a *prima facie* basis. The applicant will have full liberty to adduce evidence or challenge the prosecution case during trial, but, it is not a fit case for discharge.

6. The Court has considered the aforementioned contentions. The Trial Court, has considered in detail all the contentions sought to be urged by the Petitioner. The relevant extract is as follows:

42. *As far as accused Sandeep Jhajorao @ Kala Jhatedhi is concerned, it was strongly argued by the ld. Counsel of the said accused that there is neither any recovery nor any incriminating evidence against the accused and that he cannot be implicated merely because someone used his name on the slips to extort money. The said argument has some merit in it and would have led to discharge of the accused, if the only evidence as against him would have been the three slips which were thrown at the complainant on 30.03.2022 when he was shot in his legs. However, besides the fact that the name of the said accused is mentioned in the slips which were thrown on the complainant on the said date, it is found that his name also finds mention in the voice tags dated 30.03.2022. In the said voice tags, it is specifically mentioned that slips of "Kale Bhai" be thrown at the complainant. The voice tag only mentions that slip in the name of "Kale Bhai" be thrown, however, when the three accused persons namely Sunil Kumar Meghwal, Deepak Kashyap and Deepak @ Mota actually went to the office of the complainant on 30.03.2022 at 07: 10 PM, they mentioned the name of "Kala Jhathedi" and not "Kala Bhai" which shows that the person in the chain of events were well aware of the name of person who had organized the entire extortion and as such mentioned the name of Kala Jhathedi to the complainant. Further on the slips also the name of Kala Jhathedi is mentioned which shows the entire chain of sequence and shows the involvement of the said accused and as far as conspiracy to commit extortion is concerned.*

43. *Ld. Counsel for the said accused has submitted that there is not sufficient material on record for framing of charges against the accused, merely because his name was mentioned in the transcripts and in the slips thrown at the complainant, as anyone could have used the name of the accused even without his knowledge for the purpose of extortion, however the fact that there is a transcript dated 30.03.2022 sent at 02:10 PM, mentioning only the name of "Kale Bhai" which by 07:00PM on the*



same day culminated into mentioning of the name of “Kala Jhathedi” in the slips and even orally to the complainant during the incident, shows that the accused to whom the transcript was sent and the accused persons who were actually involved in the attempt to commit extortion were aware as to who is “Kale Bhai” which shows, at least prima facie, for the purpose of framing of charges that there is sufficient evidence to charge the said accused for the offence u/s 387/34/120B IPC. However, it is correct that the said accused cannot be charged for offence u/s 307 IPC as the transcript dated 30.03.2022 sent at 02:10 PM categorically directs not to target the complainant. Thus, the act of targeting of the complainant seems to have been formed by the accused persons who went to the spot including those who actually entered into the office of the complainant.” [SIC]

7. The impugned order reveals that the charges against the Petitioner are firmly founded on the material collected during investigation, particularly the voice messages dated 30th March, 2022 and the slips thrown at the Complainant’s office shortly before the incident. The Trial Court has correctly noted that, insofar as the offence under Section 387 IPC is concerned, physical presence of the accused at the place of occurrence of the offence is not a necessary ingredient. Section 387 is attracted where a person, in order to commit extortion, puts or attempts to put another in fear of injury, and the foundational ingredients, as set out in Section 383 IPC, can be satisfied through acts done pursuant to a criminal conspiracy, even if executed through the other co-accused.

8. The prosecution relies on two critical pieces of material: (i) the voice notes recovered from the mobile phone of co-accused Chanderbhan Nayak, wherein specific instructions were issued regarding the extortion demand of INR 1 Crore and the manner of executing the threat; and (ii) the slips naming “Kala Jhathedi” thrown at the Complainant moments before shots were fired at him. As observed by the Trial Court, the voice tags recorded earlier in the day make reference to “Kale Bhai” and contain explicit



directions that slips in that name be thrown at the Complainant. Later the same evening, when the assailants entered the Complainant's office, they expressly used the name "*Kala Jhathedi*", and the slips recovered from the spot also bear this name.

9. The proximity between the voice tags (02:10 PM) and the incident (07:10 PM), the consistency in the reference to the orchestrator of the offence, and the conscious shift from "*Kale Bhai*" in the voice tags to "*Kala Jhathedi*" during the commission of the offence, collectively reflect that the assailants, who were physically present at the time of the offence, were fully aware of the identity of the person "*Kala Jhathedi*". The Trial Court has, therefore, rightly held that these circumstances, at the stage of framing of charge, *prima facie* establish the Petitioner's involvement in the conspiracy to commit extortion.

10. While it is true that no recovery has been made from the Petitioner and that he was not physically present at the location where the incident occurred, these factors do not negate the existence of a *prima facie* case under Section 120B IPC when the prosecution material indicates that the extortion attempt was carried out pursuant to a concerted plan, of which the Petitioner was alleged to be a conspirator. The admissibility or evidentiary worth of such material is not to be tested at this stage; the requirement is only the existence of a strong suspicion founded on tangible material, which the Trial Court has duly identified in the form of voice tags, the slips, and the conduct of the co-accused.

11. In view of the foregoing, in the opinion of the Court, there is no infirmity or perversity in the impugned orders warranting interference. The Trial Court has applied the settled principles governing the stage of framing



of charge, and the prosecution material, taken at face value, discloses a *prima facie* case under Sections 387/34/120B IPC against the Petitioner. Consequently, the present petition is dismissed along with pending application(s), if any.

SANJEEV NARULA, J

NOVEMBER 26, 2025/MK