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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
CNR No. DLHC010383162026
+ **CRL.REV.P. 488/2026 & CRL.M.A. 25267/2026**
AJAY @ AJAY GUJRATI & ANR.

.....Petitioners

Through: Mr. Sanjeev Bhatia and Ms. Sunita,
Adv.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Ajay Vikram Singh, APP
Insp. Rajpal, PS EOW, Mandir Marg,
Delhi and Insp. Ranjit Tokas, PS
Bindapur, Delhi.

CORAM:

HON'BLE MS. JUSTICE MADHU JAIN

ORDER

% **18.08.2026**

1. This hearing has been done through hybrid mode.

CRL.M.A. 25268/2026 (exemption)

2. Allowed, subject to all just exceptions. Accordingly, the application is disposed of.

CRL.M.A. 25269/2026 (for condonation of delay)

3. The present application has been filed under Section 5 of the Limitation Act read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as 'BNSS') seeking condonation of delay of 334 days' in filing of the present criminal revision petition.

4. In view of the reasons stated in the application, the same is allowed. The delay of 334 days' in filing of the present criminal revision petition is therefore, condoned.

5. Accordingly, the application is disposed of.



CRL.REV.P. 488/2026 & CRL.M.A. 25267/2026

6. The present criminal revision petition, preferred by the petitioners, assails the order dated 23.05.2025 passed by the learned Additional Sessions Judge-02, South-West District, Dwarka Courts, in ***Sessions Case No. 239 of 2024*** arising from ***FIR No. 04 of 2024*** registered at Police Station Bindapur, District Dwarka, Delhi as also the consequential order dated 20.05.2026 whereby charges were formally framed.

BRIEF FACTUAL MATRIX

7. Briefly stated, on 02.01.2024, Neeraj alias Neeraj Sansi sustained injuries in an occurrence at Pratap Garden, Bindapur, and was declared brought dead at the hospital. Gaurav, the complainant and a claimed eyewitness to the alleged occurrence, stated that, following an earlier altercation, petitioner No. 1, Ajay alias Ajay Gujrati, returned to the spot with several persons, including some women, and that the group, allegedly carrying a knife, bottles, sticks and bricks, assaulted Neeraj. The concerned FIR was registered on the basis of his statements.

8. The post-mortem report attributed the death to a homicidal head injury caused by blunt-force impact and also recorded a stab wound on the thigh. The subsequent medical opinion stated that the injuries could have been caused by the knife, brick and wooden planks produced during investigation. The prosecution further relied upon witness statements, CCTV footage allegedly showing the accused proceeding towards and returning from the place of occurrence, and recovery of a knife at the instance of petitioner No. 1. Petitioner No. 2, Vashi, was attributed participation in the occurrence and an assault upon Rahul alias Chintu.

9. Upon consideration of the charge-sheet and supplementary charge-



sheet, the Trial Court, vide order dated 23.05.2025, found a strong suspicion against the accused and directed framing of charges under Sections 302, 147, 149 and 34 of the Indian Penal Code, 1860 (hereinafter referred to as 'IPC') and Sections 25 and 27 of the Arms Act. Formal charges were framed vide order dated 20.05.2026. While doing so, the successor Court observed that the earlier order was not in accordance with the charge-sheet but proceeded on the ground that it could not review the order of its predecessor.

SUBMISSIONS BY PARTIES

10. Learned counsel for the petitioners submits that the impugned order is mechanical, inasmuch as the Trial Court did not undertake an accused-wise consideration of the material or record how the ingredients of the alleged offences are prima facie attracted against each petitioner. According to learned counsel, the order merely recites the prosecution case and reproduces the settled principles governing the framing of charge, without applying those principles to the material specifically attributed to the petitioners.

11. It is submitted that the complainant who is also a claimed eyewitness to the alleged occurrence, stated that he and the other persons accompanying the deceased had fled from the spot upon seeing the assailants. His claim of having witnessed the subsequent assault is, therefore, stated by learned counsel for the petitioners to be doubtful. Insofar as petitioner No. 2 is concerned, it is contended that no specific role in the assault upon the deceased has been attributed to her.

12. Learned counsel for the petitioners further submits that the allegation that petitioner No. 1 was armed with a knife is inconsistent with the post-mortem opinion attributing the death to a head injury caused by blunt-force impact. It is argued that there is no material showing that petitioner No. 1



inflicted the fatal head injury.

13. It is also submitted that the occurrence arose from a sudden altercation and that there is no material indicating any prior meeting of minds, premeditation or common object to commit murder. According to the petitioners, the ingredients of unlawful assembly, common object and common intention are not made out.

14. Lastly, reliance is placed upon the observation in the order dated 20.05.2026 that the earlier order on charge was not in accordance with the charge-sheet. It is argued that the formal charges were nevertheless framed solely because the successor Court considered itself unable to review the order of its predecessor, thereby perpetuating the alleged infirmity in the original order.

15. On these grounds, the learned counsel for the petitioners submits that the material does not raise the grave suspicion required for framing the impugned charges and prays that both orders be set aside and the petitioners be discharged.

16. Per contra, learned APP for the State opposes the petition and submits that the matter is listed before the learned Trial Court today ie. 18th August, 2026 for recording of prosecution evidence.

17. It is further submitted that the present revision petition has been filed with a delay of 334 days and that no sufficient cause has been shown for condonation of such delay.

ANALYSIS AND FINDINGS

18. This Court has heard the learned counsel for the petitioners and learned APP for the State and has perused the material placed on record.

19. The principal issue which arises for consideration is whether the order



dated 23.05.2025 directing the framing of charges, together with the consequential order dated 20.05.2026, suffers from any patent illegality, perversity or jurisdictional error warranting interference in revision, particularly in view of the petitioners' contention that the material does not raise grave suspicion against them and the successor Court's observation concerning the earlier order.

20. The governing principles admit of little doubt. In ***State of Bihar v. Ramesh Singh, (1977) 4 SCC 39***, and ***Union of India v. Prafulla Kumar Samal, (1979) 3 SCC 4***, the Supreme Court held that, at the stage of charge, the Court may sift the material only for the limited purpose of determining whether a prima facie case or grave suspicion exists; it cannot conduct a meticulous evaluation of reliability or hold a mini-trial. ***Amit Kapoor v. Ramesh Chander, (2012) 9 SCC 460***, further instructs that revisional interference with an order framing charge is to be exercised sparingly and only in exceptional cases, including where the order suffers from patent illegality, perversity or results in miscarriage of justice. Equally, ***Kanti Bhadra Shah v. State of W.B., (2000) 1 SCC 722***, makes clear that a detailed order is not indispensable when the Court decides to frame a charge. This, however, does not dispense with the Court's duty to apply its mind to the material placed before it.

21. Applying the aforesaid principles, the submission that the order dated 23.05.2025 is mechanical cannot be accepted. The objections concerning the credibility of the claimed eyewitness, the absence of a specific role attributed to petitioner No. 2, the alleged inconsistency between the weapon attributed to petitioner No. 1 and the medical opinion, and the absence of a common object invite an assessment of the credibility and weight of the prosecution



material. Such an exercise is reserved for trial and cannot be undertaken at the stage of framing charge.

22. Read cumulatively and at face value, the material raises grave suspicion regarding the petitioners' alleged participation and does not warrant their discharge. Where the prosecution invokes an unlawful assembly and common object, the absence of a separate overt act by every member is not, by itself, decisive, as held in ***Lalji v. State of U.P., (1989) 1 SCC 437***.

23. There remains the observation in the order dated 20.05.2026 that the earlier order was 'not in accordance with the charge-sheet'. That observation cannot be sustained. Once the order dated 23.05.2025 had been passed after hearing the parties and remained in force, the successor Court was required to give effect to it and it possessed no appellate, revisional or review jurisdiction over the order of its coordinate predecessor on the basis of which such an observation could be made.

24. In ***State of H.P. v. Krishan Lal Pardhan, (1987) 2 SCC 17***, the Supreme Court held that a successor Special Judge could not, on the same material, revisit a predecessor's finding that a prima facie case existed, as that would amount to an impermissible review. ***Vikramjit Singh v. State of M.P., 1992 Supp (3) SCC 62***, likewise emphasises that a coordinate court cannot comment upon the functioning of another coordinate court, much less assume an appellate role over its decision. The successor Court correctly recognised that it possessed no power of review; however, its declaration upon the correctness of the earlier order indirectly entered a field which it could not enter directly. The remark was unnecessary, travelled beyond its remit and shall neither be read as an adjudication upon the order dated 23.05.2025 nor be relied upon at any later stage.



25. No ground for interference in exercise of this Court's revisional jurisdiction is made out. Accordingly, the present petition is dismissed. Pending application(s), if any, are also disposed of.
26. Nothing herein contained shall be construed as an expression on the merits of the case.
27. A copy of this order be sent to the learned Trial Court for necessary information and compliance.
28. The order be uploaded on the website *forthwith*.

MADHU JAIN, J

AUGUST 18, 2026/b/PG