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

+ CRL.REV.P. 361/2016 & CrI.M.A. Nos.7987-89/2016

SANJAY CHUGH

..... Petitioner

Through: Mr.Vikas Tomar and Mr.Samar  
Yadav, Advocates with Petitioner in  
person.

versus

THE GOVT OF NCT OF DELHI & ANR

..... Respondents

Through: Mr.Kewal Singh Ahuja, APP for the  
State

**CORAM:**

**HON'BLE MS. JUSTICE PRATIBHA RANI**

**ORDER**

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**16.05.2016**

1. The petitioner is aggrieved by the order dated 18.02.2016 whereby he has been charged for committing offence under Section 3(1) (x) of SC/ST Act.
2. Learned counsel for the petitioner has submitted that the petitioner and the complainant have been litigating for many years, in the back drop of prolonged litigation, the instant case has been registered against the petitioner. He submits that the FIR lodged against the wife of the petitioner by daughter of respondent no.2 was found to be false.
3. Learned counsel has further submitted that even the caste certificate was not verified and without their being any material, the petitioner has been ordered to be charged for committing offence under Section 3(1) (x) of SC/ST Act. The statement under Section 161 Cr.P.C. of the welder that no castist remarks was made, has not been considered by the learned Trial

Court and even the two public witnesses examined under Section 161 Cr.P.C have made contradictory statement.

4. The present FIR has been registered on the basis of the statement made by Ram Kisan wherein he has stated about castist remarks allegedly made by the present petitioner. Two witnesses, namely, Rupeinder Goel and Surinder Kumar Jain have been examined under Section 161 Cr.P.C in whose presence the alleged castist remarks have been made. Copy of the SC certificate of the complainant has also been annexed with the charge-sheet.

The parameters to be considered at the stage of framing of charge are well-settled. In the decision as State of Maharashtra Vs. Somnath Thapa, 1996 CrI.L.J. 2448, it has been held as under:-

*“If on the basis of the material on record, a Court could come to the conclusion that commission of the offence is probable consequence, a case for framing of charge exists. To put it differently, if the court were to think that the accused might have committed the offence it can frame the charge, though for conviction the conclusion is required to be that the accused has committed the offence. It is apparent that at the stage of framing of charge, probative value of the materials on record cannot be gone into, the materials brought on record by the prosecution has to be accepted as true at the stage.”*

5. When the case of the petitioner is examined in the light of the above legal principles, *prima facie*, a case for framing charge under Section 3(1) (x) of SC/ST Act is made out against him for the reason that in his complaint/FIR the complainant has specifically stated that the petitioner had uttered the words “Tum Chude Chamaron Ko Flat Mai Rahne Ka Hak Nahin Hai”. The two witnesses, namely, Rupinder Goel and Surinder Kumar Jain during their examination under Section 161 Cr.PC. have stated about the castist remarks being made against the respondent no.2 by the petitioner.

Statements under Section 161 Cr.P.C. by other two witnesses allegedly present at the spot i.e. Rupinder Goel and Surinder Kumar Jain are also to the same effect.

6. At the stage of framing of charge of the learned Trial Court was required to consider whether evidentiary material collected during investigation would reasonably connect the accused with the offence complained of. The ld. Trial Court has rightly considered the material on record which included the statement of the complainant as well of two public witnesses. Merely because the parties have been litigating for a long time with each other in Civil and Criminal Courts, cannot be claimed a ground to seek discharge.

8. The impugned order does not suffer from any illegality or infirmity.

9. Revision petition is dismissed.

**PRATIBHA RANI, J.**

**MAY 16, 2016**

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