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

+ CRL.REV.P. 497/2017 & CrI.M.A.11030-31/2017

STATE ..... Petitioner

Through: Mr. Ashish Dutta, APP.

versus

JAFAR & ORS ..... Respondents

Through

**CORAM:**

**HON'BLE MR. JUSTICE ASHUTOSH KUMAR**

**ORDER**

% **17.07.2017**

The State has challenged the order dated 29.03.2017 whereby charges have been framed against the respondents under Sections 323 of the IPC read with Section 34 of the IPC and not under Section 308 of the IPC. The case has been sent to the court of learned CMM for trial.

The FIR disclosed that the accused persons assaulted the complainant, Mazhar and Salman by fists and slaps. One of the accused/respondents, Jafar, was carrying a danda in his hand with which he assaulted on the head of the complainant. The injuries were, however, found to be simple. The occurrence arose because of some dispute over playing cricket match in the village.

Taking into account the nature of accusation and the minor nature of injuries suffered by the complainant and other victims, the court below was of the opinion that no case under Section 308 of the IPC was made out. As such, charges under Section 323/34 of the IPC were framed and the case was

sent back to the Court of learned CMM.

This court does not wish to interfere with the framing of the charges under Sections 323/34 of the IPC against the respondents.

In view of the above, this criminal revision petition is dismissed.

**ASHUTOSH KUMAR, J**

**JULY 17, 2017**

**ns**