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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.REV.P. 777/2018, CRL.M.A. 31646/2018, CRL.M.A. 31647/2018
ATUL JINDAL & ORS. Petitioners

Through: Mr. Pramod Pandey, Advocate.

versus

STATE (NCT OF DELHI) Respondent

Through: Mr. G.M. Farooqui, APP for State
with SI Sumit, PS-Sarai Rohilla.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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24.09.2018

This petition impugns an order dated 28.07.2018, framing charges against the petitioners under sections 498A/306/34 IPC. It is the petitioners' case that there is hardly any material before the Trial Court, for having framed such charges. The Court is unable to agree with the said contention because of the following reasons, as recorded in the impugned order:-

“The matter is at the stage of arguments on charge.

It is submitted on behalf of accused persons that they have been falsely implicated in this case. There is no evidence available against them as per record. It is prayed accordingly.

Arguments heard. Record perused.

The perusal of the record reflects that there is one suicide note, as per record, written by the deceased, wherein, she has alleged specific allegations against the accused persons. There are also allegations with regard to cruelty upon her. Apart from the suicide note of the deceased, there are statements of sister of deceased as well and other

witnesses who have also alleged that accused persons used to subject her to cruelty and are liable for the death of the deceased Nidhi Gupta. All these statements and the documents available on record reflect that there is prima facie material available against the accused persons with regard to cruelty u/s 498A IPC. Suicide note also reflect that prima facie material is available u/s 306 IPC against the accused persons.

In these circumstance, Charge u/s 498A/306/34 IPC is framed against all the accused persons for which all accused persons pleaded not guilty and claimed trial”.

Evidently before the Trial Court, there are certain materials, such as the suicide note of the deceased and the statements of relatives, which show that she was subjected to cruelty, which compelled her to disregard her own life in a most unnatural way. At the time of framing of charges, what the Trial Court has to see is whether there is prima facie material on record to bring home the charges. It does not have to weigh the evidence, but only to see whether there is sufficient material to proceed with the trial.

In view of the above, no case is made out for interference with the impugned order. The petition is without merit and is accordingly dismissed.

At this stage, Mr. Farooqui, the learned Additional Public Prosecutor submits that even the FSL Report has confirmed the handwriting of the deceased, i.e. corroborating her own handwritten reasons and compulsions for ending her own life.

NAJMI WAZIRI, J

SEPTEMBER 24, 2018

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