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

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Judgment delivered on: 07.02.2018

+ CRL.M.C. 4408/2017

PRAMOD KUMAR RASTOGI

..... Petitioner

versus

GOVT OF NCT OF DELHI & ANR

..... Respondents

**Advocates who appeared in this case:**

For the Petitioner : Petitioner in person.

For the Respondent : Mr. Mukesh Kumar, APP for the State.  
Mr. Shariq Iqbal, Advocate for respondent No.3  
SI Om Prakash, PS Hauz Khas.

**CORAM:-**

**HON'BLE MR JUSTICE SANJEEV SACHDEVA**

**JUDGMENT**

**07.02.2018**

**SANJEEV SACHDEVA, J. (ORAL)**

**CRL.M.C. 4408/2017 & CrI.M.A.20424/2017 (for impleadment)**

1. The petitioner impugns Order on Charge dated 08.01.2016, wherein, charge has been framed against the petitioner under Section 325/354/506 IPC.

2. The petitioner, who appears in person, submits that the impugned order is a Non-Speaking Order and no case is made out against the petitioner for proceeding to frame charge. It is further contended that the written argument and the defence of the petitioner

has not been considered at the time of framing of charge.

3. I am unable to accept the contention of the petitioner. The Court, by the impugned order, has held as under:-

*“Arguments advanced on point of charge on the LDOH have been duly considered. Prima facie in the complaint dt. 5.1.2007 complainant has alleged that accused Pramod hit her on her nose, she fell down, her nose started bleeding and then he hit her with her foot and in the statement of the witnesses recorded under Sec. 161 CrPC allegations have been made against the accused hitting complainant on her chest and threatening to kill complainant and her family and hence from the documents on record including MLC, it cannot be said that the allegations against the accused are groundless and prima facie there is sufficient material on record for presuming that the accused has committed an offence u/s 325/354/506 IPC.”*

4. The allegation in the FIR is that the petitioner, who is a tenant, was asked by the respondent(complainant) to remove the water tank which was obstructing the passage of the residents. In the FIR, it is alleged that the petitioner hit the complainant on her nose with his fist and she fell down and her nose started bleeding. Thereafter, it is alleged that the petitioner hit her with his foot and she started bleeding. Further, it is noticed in the FIR that in the MLC the doctor has opined that the injury sustained is grievous in nature. The complainant has reiterated her allegations in the 161 statement.

5. The Trial Court, based on the material, which was produced

before the Court, was of the view that there was *prima facie* sufficient material to proceed against the petitioner for the purpose of framing of charge.

6. It is not necessary for the Trial Court at the stage of framing of charge to pass a detailed speaking order. If the reasons mentioned by the Trial Court are sufficient to show that *prima facie* sufficient material was available to proceed, it is enough. At the stage of framing of charge, the Trial Court has to be satisfied that there is material to proceed. The Trial Court does not have to be satisfied that there is material to convict.

7. The Trial Court has assessed the material which is available before the Trial Court. In the present case it was the statement of the complainant as well as the MLC, which alongwith other material, has been considered by the Trial Court and the Trial Court has, thus, concluded that there is sufficient material to proceed to frame charges. It may also be noticed that the trial is already progressing, and the prosecution witnesses are already being examined.

8. The Petitioner in his defence at this stage is questioning the credibility of the statement of the public witnesses and the veracity of the MLC and the opinion of the doctor that the injury was grievous.

9. At the stage of framing of charge what is to be considered is the final report as well as the material collected at the stage of investigation. The objection raised by the accused questioning the

credibility of the statement of the public witnesses and the veracity of the MLC and the opinion of the doctor that the injury was grievous cannot be considered at the stage of framing of charge.

10. The impugned order, though brief, succinctly shows application of mind by the Trial Court. The trial court has referred to material whereby the Trial Court has prima facie found that the petitioner assaulted the complainant on account of which the complaint sustained injury, which has been opined to be grievous in nature.

11. I find no infirmity with the impugned order dated 08.01.2016 framing charge against the petitioner under Section 325/354/506 IPC.

12. The petition is, accordingly, dismissed.

13. It is clarified that this order shall not amount to expression of opinion on the merits of the case of either party.

14. Order *Dasti* under signatures of Court Master.

**SANJEEV SACHDEVA, J**

**February 07, 2018/st**