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

+ **CRL.REV.P. 160/2019 & CRL.M.A. 2947/2019**

VIKAS @ VICKY & ORS

..... Petitioners

Through: Mr Satya Narayan Vashisth,
Advocate.

versus

STATE (GNCT OF DELHI)

..... Respondent

Through: Ms Meenakshi Chauhan, APP for
State with SI Jagmohan, PS Chhawla.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **30.01.2020**

1. The petitioner has filed the present petition, *inter alia*, impugning an order dated 19.01.2019 passed by the learned ASJ, framing charges under Sections 307/506(Part-II)/34 of the IPC against all the accused in FIR No.503/2014, registered with PS Chhawla.
2. The case of the prosecution is that the accused were being prosecuted in connection with an incident that had occurred on 25.08.2014 at about 9:30 PM near Hanuman Mandir, Z-Block, Prem Nagar, Najafgarh, New Delhi.
3. It is alleged that, at the material time, the accused persons were abusing the grandmother of the complainant (Mr Praveen Kumar). He had objected to the same and was asked to keep quiet. It is alleged that while he was going towards his house, the accused persons had grabbed him and the accused Vikas Kumar @ Vicky (petitioner no.1) had stuck him with a knife on the right lower area of his chest and the other accused had also beaten

him. It is also alleged that all of them extended death threats to the victim.

4. The injured victim was taken to Rao Tula Ram Hospital, Jaffar Pur and the MLC indicates that he had suffered a stab wound size 1.5 X 0.5 cm. The learned counsel appearing for the petitioner states that the injury is minor and none of the vital organs of the injured were affected. Thus, a charge under Section 307 of the IPC ought not to have been framed and at best the petitioners could be charged of commission of an offence under Section 324 of the IPC. He also sought to rely on the medical text and on the strength of the said text, submitted that injuries are of three types: simple, grievous and dangerous. He contended states that a charge under Section 307 of the IPC cannot be framed if the injury inflicted is not grievous.

5. The aforesaid contention is unmerited. An offence under Section 307 of the IPC is not conditional upon injuries suffered by the injured. Section 307 of the IPC is set out below:-

“307. Attempt to murder.—Whoever does any act with such intention or knowledge, and under such circumstances that, if he by that act caused death, he would be guilty of murder, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine; and if hurt is caused to any person by such act, the offender shall be liable either to [imprisonment for life], or to such punishment as is hereinbefore mentioned.”

6. It is apparent from the plain reading of Section 307 of the IPC that if a person commits any act with such intention or knowledge that if he by that act caused death, he would be guilty of an offence of murder and would be liable to be punished under Section 307 of the IPC. If the said act has not

caused any hurt, such person may be punished with imprisonment of either description for a term which may extend to ten years. However, if a hurt is caused the punishment may be enhanced to life imprisonment. Inflicting grievous hurt, clearly, is not a necessary ingredient of an offence under section 307 of the IPC.

7. In view of the above, this Court finds no infirmity with the impugned order. The present petition is unmerited and is, accordingly, dismissed.

8. The pending application is also disposed of.

VIBHU BAKHRU, J

JANUARY 30, 2020

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