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

+ **CRL.REV.P. 726/2022, CRL.M.As. 22101-02/2022**

AAYUB

..... Petitioner

Through: **Mr. Shivam Singh, Mr. R. K. Singh
and Mr. Rana Prashant, Advs.**

versus

STATE NCT OF DELHI

..... Respondent

Through: **Mr. Hemant Mehla, APP for the state
with SI Rajesh Chauhan, with R-2**

**Mr. Avadh Kaushik, Ms. Saloni
Mahajan, Advs. for respondents**

**Mr. Sulaiman Mohd, Khan, Mrs.
Taiba Khan, Mr. Bhanu Malhotra,
Mr. Akash Bhushan and Mr.
Gopeshwar Singh Chandel, Advs. for
revisionist**

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Date of Decision: 19th July, 2023

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

1. The present petitioner has been filed challenging the order dated 19.04.2022 passed by the learned Principal Distt. & Sessions Judge (East) KKD Courts, Delhi.



2. Learned counsel for the petitioner submits that on the same day i.e. on 19.04.2022 the following order was passed:

“SC No. 396/22

State Vs. Aayub

19.04.2022

Present:

Sh. Gaurav Pandey, Ld. Substitute Addl. PP for the State. Accused is present on bail with Counsel Sh. Bhanu Malhotra.

Arguments on charge heard.

Gone through the record and perused the file.

Perusal of the record shows that on 09.06.2015 at about 11.30 pm near H. No. 8, Gali No.4, Aaram Park, Delhi, accused along with his 2-3 associates (since not arrested) in furtherance of their common intention, fired with country made pistol on Shahzad S/o Sh. Shakir by using a country made pistol.

Moreover, the MLC of the victim Shahzad corroborates the fact that he had sustained injury on his person.

Keeping in view the facts and circumstances of the case, prima facie case for charge for offences under Section 307/34 IPC & 27 Arms Act are made out against the accused. Consequently, the



charge for said offences are framed separately against the accused to which he pleaded not guilty and claimed trial.

Let the prosecution witnesses, including the doctors concerned, be summoned for the next date of hearing.

Be put up for prosecution evidence on 22.07.2022.

*(Deepak Jagotra)
Principal Distt. & Sessions Judge(East)
KKD Courts, Delhi/19.04.2022”*

And thereafter, the charge under section 307/34 IPC and 27 Arms Act was framed.

3. Learned counsel for the petitioner submits that though the detailed arguments were made, the learned judge did not record the arguments and also did not give any reasoning for framing of the charge.
4. The perusal of the order clearly indicates that no reasons have been given by the learned Trial Court Judge for framing of charge. It is a settled proposition that at the stage of framing of charge, lengthy orders or giving detailed reasons is not required but at the same time, framing of charge of a serious offence as that under Section 307 IPC cannot be without any reason.
5. In the present case, the order is devoid of any reasons and thus cannot be sustained in eyes of law. The matter is remanded back to the learned Trial Court. Learned Trial Court is directed to hear the arguments of the



prosecution and the defence on charge afresh and pass the order in accordance with the law.

6. The order dated 19.04.2022 is set aside. This Court has not gone into the merits of the case and the defence may raise all possible contentions before the learned Trial Court.

7. In view of the above, the present petition along with pending applications stands disposed of.

DINESH KUMAR SHARMA, J

JULY 19, 2023/Pallavi