

evidence available on record to frame charges under Section 307 of Indian Penal Code. Learned counsel for the complainant further submits that the entire incident was captured in the CCTV camera installed at the place of occurrence, in which the intention and knowledge attracting the essential ingredients of offence under Section 307 of IPC are clearly proved. Learned State counsel submits that this Court cannot examine the defence set up by the petitioners at this stage.

4. Having heard the learned counsel for the parties and after perusing the record, this Court finds no merit in the arguments advanced by learned counsel for the petitioners. It is settled law that the primary consideration at the stage of framing of charge is the test of existence of a prima facie case, and at this stage, the probative value of materials on record need not be gone into. The Hon'ble Supreme Court in the judgments passed in *State of Maharashtra Vs. Som Nath Thapa (1996) 4 SCC 659* and *State of MP Vs. Mohan Lal Soni (2000) 6 SCC 338* has held the nature of evaluation to be made by the court at the stage of framing of the charge is to test the existence of prima facie case. At the stage of framing of charge, the court has to form a presumptive opinion to the existence of factual ingredients constituting the offence alleged and it is not expected to go deep into probative value of the material on record and to check whether the material on record would certainly lead to conviction at the conclusion of trial. Moreover, this Court cannot appreciate and decide the disputed question of fact and examine the veracity of defence set up by the petitioners in the present petition.

5. In view of the aforesaid discussion, the present petition is devoid of merit and the same is hereby dismissed. However, nothing observed hereinabove

shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

6. The petitioner would be at liberty to raise all the pleas taken in the present petition at the appropriate stage during the course of the trial in accordance with law.

(HARPREET SINGH BRAR)
JUDGE

07.02.2024

<i>Ajay Goswami</i>	<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
	<i>Whether reportable</i>	<i>Yes/No</i>