



\$~78

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.REV.P. 430/2024 & CRL. MAs.9884-85/2024
GEETA & ORS. Petitioners
Through: Ms. Hina Rajput, Advocate.

versus

THE STATE Respondent
Through: Mr. Sanjeev Sabharwal, APP for State
with Inspector Ajay Kumar PS
Supreme Court Metro and Inspector
Om Prakash PS Najafgarh, Delhi.

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER
02.04.2024

%

1. By way of present petition, the petitioners seek to assail the order dated 18.10.2023 passed by the learned ASJ-04 (SW) Dwarka Court, Delhi in Sessions Case No.359/2021, FIR No.68/2021 registered under Sections 498A/306/304B/34 IPC PS Najafgarh titled State v. Mukesh Kumar & Ors. wherein charges under Sections 498A/306/304B/34 IPC have been framed against the present petitioners who are the mother-in-law, father-in-law, husband and maternal uncle of the deceased.
2. With the assistance of the APP for the State, I have heard learned counsel for the parties and gone through the record.
3. The instant petition has been premised on the ground that the impugned order on framing of charge is cryptic and does not show application of mind. In support of his submissions, learned counsel for the petitioners has referred to this Court's order dated 16.02.2024 passed in Crl.



Rev. P.104/2024 which was preferred by Sumit, the brother-in-law of the deceased. In the said revision petition, a Coordinate Bench of this Court noted that at the time of framing of charge, the Court is required to consider whether there is sufficient material on record and for which it has the power to sift and weigh the evidence for the limited purpose of finding out whether or not a *prima facie* case is made out against the accused. While referring to the decision in State (NCT of Delhi) v. Shiv Charan Bansal and Others, reported in (2020) 2 SCC 290, the Coordinate Bench of this Court came to the conclusion that the impugned order is non-speaking and without reason. While observing so, the same was set aside.

4. Considering the fact that the present petitioners are the co-accused in the aforesaid FIR and the impugned order has already been set aside qua co-accused Sumit and the further fact that the matter is now listed for fresh consideration at the stage of framing of charge on 15.05.2024, the present revision petition is also allowed and the impugned order on framing of charge against the present petitioners is also set aside. The trial court will consider the matter afresh against all the accused persons.

5. The petition is disposed of in above terms along with miscellaneous applications.

MANOJ KUMAR OHRI, J

APRIL 2, 2024/rd