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

+ **CRL.REV.P. 902/2022 & CRL.M.A. 27446/2022**

AMIT SAINI

.....Petitioner

Through:

versus

THE STATE AND ANR.

.....Respondents

Through: **Mr. Yudhvir Singh Chauhan, APP for the State.**

Mr. Manish Makkar, Adv. For Complainant

SI Geeta Yadav, PS Mahindra Park

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

09.09.2024

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1. Petitioner has approached this Court challenging the Order dated 22.07.2024, passed by the learned ASJ, Rohini Courts, framing charges against the Petitioner for offences under Section 376(2)(n) IPC in FIR No.368/2022 dated 21.02.2022, registered at Police Station Mahendra Park for offences under Section 376 IPC.

2. The entire Order dated 22.07.2024 is being reproduced herein and the same reads as under:

“Arguments on the point of charge heard from Id. counsels for accused persons and Ld. Addl. PP for the State.

Ld. counsel for the accused prays for discharge of the accused persons by submitting that there is no material on record to frame charge against them. The accused



has been falsely implicated in the present case.

On the other hand, Ld Addl PP for the State has argued that there are specific role of the accused Amit Saini i.e. from the year 2018 to till 31.12.2021, accused committed rape repeatedly upon the prosecutrix at Jahangirpuri and various other places against her will and without her consent on the false promise of marriage.

I have perused the record including the statement of the prosecutrix recorded u/s. 161 Cr.P.C., 164 Cr.P.C and other material on record. There are specific allegations of the prosecutrix against the accused i.e. accused had committed rape repeatedly at various places upon the prosecutrix against her will and without her consent on the false promise of marriage.

Pertinent to mention here, at the stage of framing of charge meticulous examination for consideration of evidence and other material is not necessary and the court is not require to examine evidence minutely at that stage. The entire preposition regarding the scope of scrutiny of material at the stage of framing of charge has been summed up by Apex court in a celebrated judgment titled as Seema Chakravarty Vs. State through CBI (2007) 5 SCC 403

It is also a settled proposition of law that at the stage of charge the court is not required to examine the evidence set up by the State minutely or bit by bit so as to carry out a detailed examination of trial which is to be left at the stage of evidence itself.

Prima facie case for offence punishable u/s.376(2)(n) IPC is made out against the accused Amit Saini, Ordered accordingly.”



3. A perusal of the abovementioned Order does not show as to on what basis the Trial Court has come to the conclusion that there is a grave suspicion against the Petitioner herein for the charges to be framed against him under Section 376(2)(n) IPC.
4. The Trial Court is requested to hear both the sides once again and pass a detailed Order.
5. It is made clear that this Order is passed only on the ground that the Order passed by the learned ASJ is bereft of any reasons.
6. It is made clear that this Court has not made any observations on the merits of the case.
7. The Petition is disposed of along with the pending applications, if any.

SUBRAMONIUM PRASAD, J

SEPTEMBER 9, 2024

Rahul