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

+ **CRL.REV.P. 1234/2024 & CRL.MAs 32093-95/2024**

RAKESH KUMAR

.....Petitioner

Through: Mr. Mohammad Mustafa and Mr.
Hitesh Shakya, Advocates.

versus

**THE STATE NCT OF DELHI RESPONDENT THR SHO SUN
LIGHT COLONY**

.....Respondents

Through: Mr. Nawal Kishore Jha, APP for State
with SI Kuldeep Singh PS Sunlight
Colony, New Delhi.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

23.10.2024

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1. By way of present petition, the petitioner seeks to assail the order dated 16.07.2024 passed by the learned ASJ, Saket Court, New Delhi in SC No.195/2024 in FIR No.264/2021 whereby charges under Sections 364A/385/120B have been framed against the petitioner.
2. Learned counsel for the petitioner submits that the instant FIR came to be registered on 16.05.2021 in context of an incident that occurred a day earlier. He further submits that a reading of the FIR would show that the complainant has alleged that she received a call from the mobile number of her brother *Varun*, whereby the accused had demanded a sum of Rs.3 lacs. It is submitted that in the initial statements of complainant and Varun, no allegations satisfying the ingredients of S. 364A were made neither any threat of death or hurt was alleged.
3. During the course of submissions on a specific query as to whether



any supplementary statement of the victim was recorded, the answer is in positive. Learned counsel for the petitioner fairly states that there is a supplementary statement which came to be recorded after a delay of one and a half year, the victim has stated that he was being extended a threat of death.

4. The scope of revision under Section 227 of Cr.P.C. and the guiding principles to exercise the power are outlined in catena of decisions. The parameters relevant at the stage of framing of charge as laid down in Prafulla Kumar Samal v. Union of India reported as **(1979) 3 SCC 4**, as follows:—

“7.The words “not sufficient ground for proceeding against the accused” clearly show that the Judge is not a mere post office to frame the charge at the behest of the prosecution, but has to exercise his judicial mind to the facts of the case in order to determine whether a case for trial has been made out by the prosecution. In assessing this fact, it is not necessary for the court to enter into the pros and cons of the matter or into a weighing and balancing of evidence and probabilities which is really his function after the trial starts. At the stage of Section 227, the Judge has merely to sift the evidence in order to find out whether or not there is sufficient ground for proceeding against the accused. The sufficiency of ground would take within its fold the nature of the evidence recorded by the police or the documents produced before the court which ex facie disclose that there are suspicious circumstances against the accused so as to frame a charge against him.”

5. The above principles have been reiterated by the Supreme Court in Dilawar Balu Kurane v. State of Maharashtra reported as **(2002) 2 SCC 135** and Sajjan Kumar v. CBI reported as **(2010) 9 SCC 368**.

6. Further, the legal position concerning the powers of this Court under Section 397 read with 401 of the Cr. P.C. in the revision proceedings against



the Order on charge passed by the Trial Court is well settled and no longer *res integra*. This Court in a revision is not supposed to exercise the jurisdiction like an appellate Court and the scope of interference is extremely narrow. This Court in a revision petition is only concerned with the correctness, legality, or propriety of any finding or order passed by the learned Trial Court; it should only interfere where there is any patent illegality or defect or there is an error of jurisdiction or law; there has to be a well-founded error. Reference in this regard can be made to the judgments of the Supreme Court in Malkeet Singh Gill v. State of Chhattisgarh reported as (2022) 8 SCC 204 and Suresh v. State of Maharashtra reported as (2001) 3 SCC 703.

7. Though learned counsel for the petitioner has also referred to the decision dated 01.07.2019 rendered by a Coordinate Bench of this Court in **CRL. REV. P.760/2016** titled Sumit Kumar Pandey v. State, the same is found misplaced as in the said case, there was no supplementary statement. Considering the fact that in the present case, the material placed on record along with the charge-sheet included a supplementary statement, wherein the victim has categorically stated that the threat of death was extended to him.

8. In view of the aforesaid discussion, I find no ground to entertain the present petition and the same is accordingly dismissed along with pending applications.

MANOJ KUMAR OHRI, J

OCTOBER 23, 2024/rd