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

+ CRL.REV.P. 694/2023

STATE (NCT OF DELHI) THROUGH DEPUTY

COMMISSIONER OF POLICE

.....Petitioner

Through: Mr. Sunil Kumar Gautam,
APP for the State with SI
Sandeep, PS Bawana.

versus

DHARMENDER @ SONU & ORS.Respondents

Through: Mr. Himanshu Sharma,
Advocate (through VC).

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

% **09.09.2025**

1. The present petition has been filed by the prosecution challenging the order dated 22.03.2023, passed by the learned Additional Sessions Judge-04 (North), Rohini Courts, Delhi (**'Court of Sessions'**), whereby the learned Trial Court framed charge against the respondents under Sections 332/353/186/34 of the Indian Penal Code, 1860 (**'IPC'**).

2. The prosecution is essentially aggrieved by the fact that the charges have not been framed for the offence under Section 308 of the IPC against the respondents. The allegations against the respondents are that they had hit the victim with a brick as well as with fists and kicks while he was discharging his duties.

3. Undisputedly, the allegations against the respondents are serious in nature, however, the MLC of the victim indicates that the injuries include abrasions on three body parts. The injuries are stated to be simple in nature.

4. The learned Trial Court noting the kind of injuries, in the



opinion of this Court, rightly held that the injuries were not such that which are likely to cause death or culpable homicide and therefore, no *prima facie* case under Section 308 of the IPC is made out. It is also not disputed that even as per allegations the alleged act of causing injuries happened at the spur of the moment and no intention or knowledge can be imputed to the respondent for causing injuries which are likely to cause culpable homicide specially when the injuries are stated to be simple in nature.

5. Since the victim was a public servant, charge was rightly framed under Section 332/353 of the IPC that is causing voluntary hurt to deter public servant from his duty and assault on public servant while he is discharging his duty.

6. In the opinion of this Court, there is no infirmity in the order passed by the learned Trial Court.

7. The present petition is therefore dismissed. Pending application(s), if any, also stand disposed of.

AMIT MAHAJAN, J

SEPTEMBER 9, 2025

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