



\$~72

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

+ CRL.M.C. 3351/2025 & CRL.M.A. 14756/2025

CHAMAN LATA

.....Petitioner

Through: Mr. Navjot Kumar, Advocate

versus

THE STATE GOVT OF NCT OF DELHI & ANR.Respondents

Through: Mr. Hemant Mehla, APP for the State

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

13.05.2025

%

1. Issue notice. Counsel mentioned in the appearance above accepts notice. Considering the nature of relief sought by the parties, no reply is deemed necessary and with the consent of the parties, the matter taken up for final disposal at the admission stage.

2. The present petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (formerly Section 482 of the Code of Criminal Procedure, 1973²) impugns order dated 17th February, 2025 whereby the Revisional Court upheld the order dated 28th February, 2023, passed by the Mahila Court-04, Central District, Tis Hazari Courts, framing charges against the Petitioner for offences under Sections 323, 341, and 509 of the Indian Penal Code, 1860.³ These proceedings arise from FIR No. 12/2018

¹ "BNSS"

² "Cr.P.C"

³ "IPC"

This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.

The Order is downloaded from the DHC Server on 16/05/2025 at 13:15:51



registered under Sections 341/323/509/506/34 of the Indian Penal Code, 1860 at P.S. Prasad Nagar.

3. Briefly, the case of the prosecution is as follows:

3.1. The FIR in question was registered on the basis of a complaint filed by Respondent No. 2 against the Petitioner and her husband, Mr. Dinesh Anand. The Complainant and the accused parties are residents of the same building. Respondent No. 2 and her family reside on the first floor, while the Petitioner, her husband, and their son occupy the ground floor. It is alleged that on 11th January, 2018, at around 12:00 noon, while the Complainant was returning home from school, she was intercepted by the Petitioner and her husband, who allegedly obstructed her path, verbally abused her, and slapped her multiple times. It is further alleged that Mr. Dinesh Anand physically assaulted the Complainant by pressing her chest and kicking her in her private parts. The Complainant also alleged that this was not an isolated incident and that the Petitioner's family had earlier threatened her and her relatives, and had allegedly recorded her photographs and videos on their mobile phones without consent.

3.2. During the course of investigation, the Complainant's statement was recorded under Section 164 of Cr.P.C. CCTV cameras installed at both residences were identified, and their corresponding DVRs were seized by the investigating authorities and forwarded to the Forensic Science Laboratory⁴ for examination.

3.3. Initially, a chargesheet was filed against the Petitioner, her husband Dinesh Anand, and their son Siddharth. However, in the meantime, Mr.

⁴ "FSL"



Dinesh Anand passed away on 4th March, 2018. Consequently, an abated chargesheet was filed *qua* him, while proceedings continued against the remaining accused persons.

3.4. Subsequently, a supplementary chargesheet was filed as the FSL result of the seized DVRs was obtained. The supplementary chargesheet mentions as follows:

“The CCTV footage dated 11.01.2018 from 11:50 AM to 12:30 PM which were retrieved from Ext. “HDD1” are enclosed herewith in one Digital Versatile Disc vide Annexure “DVD1”. However, the CCTV footage of dated 11.01.2018, from 11:50 AM to 12:30 PM is overwritten and same could not be retrieved from Ext. “HDD2”.

2. Result of Examination by Physics Division

On laboratory examination of readable video files in DVD marked “Exhibit-DVD1”; it was observed that video files are continuous video footage of CCTV recordings. There is no indication of alteration in the continuous video footage of CCTV recordings on the basis of frame-by-frame examination using Video Analyst System.”

4. Counsel for the Petitioner contends that the conclusions drawn by both the Revisional Court and the Metropolitan Magistrate are unreasonable and legally flawed. It is submitted that the Revisional Court erroneously concluded that it was not required to examine CCTV footage when there exists an alternative version provided by the Complainant, despite the fact that the CCTV footage is a critical and unimpeachable piece of evidence. Counsel points out that the CCTV footage is continuous, untampered, and its integrity has been confirmed by the FSL report. Despite this, the Trial Court chose to disregard this vital piece of evidence at the stage of charge framing, resulting in a significant miscarriage of justice. Furthermore, it is argued that the Metropolitan Magistrate had, in a previous order dated 31st May, 2022, observed that the footage did not reflect any signs of tampering. Hence, it is

This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.

The Order is downloaded from the DHC Server on 16/05/2025 at 13:15:51



argued that the Revisional Court failed to exercise its jurisdiction to rectify the manifest error in appreciating material evidence on record.

5. The Court has considered the afore-noted facts and contentions but finds no merit in the same. The scope of judicial review in a petition under Section 528 of BNSS is limited to examining whether the subordinate courts have acted in accordance with law and have not committed any perversity or illegality warranting interference. It is not an appellate forum for re-appreciation of evidence or to substitute a plausible view with another, unless manifest injustice is demonstrated.

6. By order dated 31st May, 2025, the Trial Court took cognizance of the matter and observed that although the CCTV footage does not depict any visible physical altercation, this, by itself, does not negate the possibility of the alleged offence having occurred. The Court rightly held that such issues are to be determined during trial. Based on a *prima facie* assessment of the available material, including the CCTV footage and the FSL report, the Trial Court, by the impugned order dated 28th February, 2023, framed charges against the Petitioner while discharging the co-accused, Siddharth Anand.

7. At the stage of framing of charge, it is a well-established principle of criminal jurisprudence that the Court is not required to undertake a detailed or exhaustive analysis of the evidence to assess whether the prosecution has established its case beyond reasonable doubt. The limited inquiry at this stage is whether the material on record, if taken at face value, discloses a *prima facie* case and raises a grave suspicion against the accused sufficient to proceed to trial. The Court is not to consider whether there is sufficient ground for conviction of the accused, or whether the trial is sure to end in

This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.

The Order is downloaded from the DHC Server on 16/05/2025 at 13:15:51



the conviction. The Revisional Court, in its impugned order, has correctly applied this principle. The relevant observations of the Revisional Court are as follows:

“21. Perusal of TCR reveals that revisionist has taken all the aforesaid pleas, which are taken in the present revision petition before the Ld. Trial Court and the same has been duly recorded and considered by the said Court as reflected in the aforesaid relevant part of impugned order dated 28.02.2023. 22. Furthermore, perusal of the record/TCR further reveals that complainant/respondent no.2 had stated that on 11.01.2018 at around 12:00 pm revisionist/accused alongwith her husband restrained her way, used vulgar language for her and gave 3-4 slaps to her.

23. Perusal of impugned order reveals that it is rightly held by Ld. MM that there are specific accusations against revisionist that she alongwith her deceased husband, wrongful restrained the complainant, abused her in vulgar language and also beaten her up.

24. So far as submissions regarding CCTV footage is concerned, it is settled law that at the stage of framing of charge court is not required to marshal the evidence. On the one side ld. Defence counsel has relied upon the CCTV footage available on record and on the other side there are allegations leveled against revisionist by the complainant. The facts of the case are such that veracity of the contentions/claims and truthfulness of the allegations can be ascertained after completion of evidence. Furthermore, aspect of CCTV footage has been rightly dealt by ld. Trial court as discussed in the aforesaid relevant part of the impugned order which is reproduced above.”

8. The allegations made by the Complainant are specific and detailed. The statement under Section 164 of Cr.P.C, the original complaint, and the supplementary chargesheet all contain *prima facie* material linking the Petitioner to the alleged offences. The CCTV footage, although exculpatory to a degree, is not so compelling or conclusive as to displace the Complainant’s version entirely at this preliminary stage. The probative value of the evidence brought on record cannot be gone into at the stage of framing charges. Thus, it is correctly observed by the Revisional Court, the truthfulness of the rival claims, including the evidentiary value of the CCTV

This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.

The Order is downloaded from the DHC Server on 16/05/2025 at 13:15:51



footage, must be tested at trial.

9. The Revisional Court has rightly cautioned against substituting the Trial Court's view with an alternative interpretation, especially where two plausible views are possible. Such caution is consistent with the law laid down by the ***Supreme Court in State of NCT of Delhi v. Shiv Charan Bansal***,⁵ which reaffirms the principle that unless the evidence on record is patently insufficient to sustain a charge, interference at the stage of framing of charge is unwarranted.

10. Consequently, this Court finds no illegality or perversity in the orders passed by the Trial Court or the Revisional Court. The charge framing order reflects a *prima facie* assessment based on available material and does not warrant interference under Section 528 of BNSS.

11. Accordingly, the present petition along with pending application(s) if any, is dismissed.

SANJEEV NARULA, J

MAY 13, 2025/ab

⁵ 2020 (2) SCC 290

This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.

The Order is downloaded from the DHC Server on 16/05/2025 at 13:15:51