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

\+ **<u>CRL.REV.P. 296/2025</u>**

TARUN PAL SINGH .....Petitioner

Through: Mr. Tarun Gaur, Mr. Shubham Arora & Mr. Sanjeev Kumar, Advs.

versus

STATE GOVT. OF NCT OF DELHI .....Respondent

Through: Mr. Naresh Kumar Chahar, APP for the State
W/SI Shiksha, PS-Bindapur
SI Kishan Chand, PS-Dwarka South

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

<u>O R D E R</u>

% 06.08.2025

1. The present petition is filed against the order dated 19.04.2025 (hereafter '**impugned order**') passed by the learned Special Judge, Dwarka Courts, New Delhi in SC No. 680/2023 whereby charges were framed against the petitioner for the offences under Sections 489C/489D of the Indian Penal Code, 1860 ('**IPC**') in FIR No. 408/2023.

2. Briefly stated, it is alleged that on 09.07.2023 at around 2:00 PM, on the basis of a secret information, a raid was conducted near Metro Palace Oyo Hotel, Dwarka and accused Obinakaba David Chukwume, stated to be a Nigerian, was apprehended and a recovery of 20-gram heroin and fake currencies of a sum of ₹32,400 was effected. It is alleged that

during the course of the interrogation, accused Obinakaba David Chukwume disclosed that he bought the fake currencies from one Mr. Singh, stated to be the present petitioner, and supplied to the market. It is the case of the prosecution that the search of Mr. Singh was made and with the help of technical surveillance, the petitioner was arrested.

3. It is alleged that during the course of the interrogation, the petitioner disclosed his involvement in the present case and at his instance one printer, paper, ink and fake currency notes of ₹200-500 were recovered from his house.

4. By the impugned order, the learned Trial Court framed charged against the petitioner under Sections 489C/489D of the IPC. The learned Trial Court took into account the disclosure statement of the accused Obinakaba David Chukwume, and also considered that a recovery of fake currency notes in addition to a recovery of one printer, polyester film, A4 size paper, three mobile phones were made from the house of the petitioner. It was noted that the petitioner was also printing documents to resemble currency notes and was also in possession of instruments to forge currency notes. Consequently, the learned Trial Court framed charges against the petitioner for offences under Sections 489C/489D of the IPC.

5. The learned counsel for the petitioner submits that the learned Trial Court erred in framing charges against the petitioner for the offences under Sections 489C/489D of the IPC. He submits that charges were framed against the petitioner while considering the disclosure statement of the accused - Obinakaba David Chukwume who failed to name the petitioner and only stated that he procured the currencies from one Mr. Singh. He submits that in such circumstances, the learned Trial Court ought

not to have framed charges against the petitioner.

6. He further submits that the recovery of items from the house of the petitioner are not sufficient to raise grave suspicion against the petitioner since the same are only common items that are generally available in every household.

<u>Analysis</u>

7. Since the petitioner has assailed the impugned order whereby the petitioner was charged for the offences under Sections 489C/489D of the IPC, it will be apposite to succinctly discuss the statutory law with respect to framing of charge and discharge as provided under Section 227 and 228 of the CrPC. The same is set out below:

> *"227. Discharge If, upon consideration of the record of the case and the documents submitted therewith, and after hearing the submissions of the accused and the prosecution in this behalf, the Judge considers that there is not sufficient ground for proceeding against the accused, he shall discharge the accused and record his reasons for so doing.*
> *228. Framing of Charge*
> *(1) If, after such consideration and hearing as aforesaid, the Judge is of opinion that there is ground for presuming that the accused has committed an offence which—*
> *(a) is not exclusively triable by the Court of Session, he may, frame a charge against the accused and, by order, transfer the case for trial to the Chief Judicial Magistrate, 1 [or any other Judicial Magistrate of the first class and direct the accused to appear before the Chief Judicial Magistrate, or, as the case may be, the Judicial Magistrate of the first class, on such date as he deems fit, and thereupon such Magistrate] shall try the offence in accordance with the procedure for the trial of warrant-cases instituted on a police report;*
> *(b) is exclusively triable by the Court, he shall frame in writing a charge against the accused.*
> *(2) Where the Judge frames any charge under clause (b) of subsection (1), the charge shall be read and explained to the accused and the accused shall be asked whether he pleads guilty of the offence charged or claims to be tried."*

8. The Hon'ble Apex Court, in the case of ***Sajjan Kumar v. CBI* : (2010) 9 SCC 368**, has culled out the following principles in respect of the scope of Sections 227 and 228 of the CrPC

while observing that a *prima facie* case would depend on the facts and circumstances of each case. The relevant paragraphs read as under :

> *"21. On consideration of the authorities about the scope of Sections 227 and 228 of the Code, the following principles emerge:*
> *(i) The Judge while considering the question of framing the charges under Section 227 CrPC has the undoubted power to sift and weigh the evidence for the limited purpose of finding out whether or not a prima facie case against the accused has been made out. The test to determine prima facie case would depend upon the facts of each case.*
> *(ii)* ***Where the materials placed before the court disclose grave suspicion against the accused which has not been properly explained, the court will be fully justified in framing a charge and proceeding with the trial.***
> *(iii)* ***The court cannot act merely as a post office or a mouthpiece of the prosecution but has to consider the broad probabilities of the case, the total effect of the evidence and the documents produced before the court, any basic infirmities, etc. However, at this stage, there cannot be a roving enquiry into the pros and cons of the matter and weigh the evidence as if he was conducting a trial.***
> *(iv)* ***If on the basis of the material on record, the court could form an opinion that the accused might have committed offence, it can frame the charge, though for conviction the conclusion is required to be proved beyond reasonable doubt that the accused has committed the offence.***
> *(v) At the time of framing of the charges, the probative value of the material on record cannot be gone into but before framing a charge the court must apply its judicial mind on the material placed on record and must be satisfied that the commission of offence by the accused was possible.*
> *(vi)* ***At the stage of Sections 227 and 228, the court is required to evaluate the material and documents on record with a view to find out if the facts emerging therefrom taken at their face value disclose the existence of all the ingredients constituting the alleged offence. For this limited purpose, sift the evidence as it cannot be expected even at that initial stage to accept all that the prosecution states as gospel truth even if it is opposed to common sense or the broad probabilities of the case.***
> *(vii)* ***If two views are possible and one of them gives rise to suspicion only, as distinguished from grave suspicion, the trial Judge will be empowered to discharge the accused and at this stage, he is not to see whether the trial will end in conviction or acquittal.****"*

(emphasis supplied)

9. In a recent decision in ***State of Gujarat v. DilipsinhKishorsinh Rao* : 2023 SCC OnLine SC 1294**, the Hon'ble Apex Court has discussed the parameters that would be appropriate to keep in mind at the stage of framing of charge/discharge, as under:

> *"7. It is trite law that application of judicial mind being necessary to determine whether a case has been made out by the prosecution for proceeding with trial and it would not be necessary to dwell into the pros and cons of the matter by examining the defence of the accused when an application for discharge is filed. At that stage, the trial judge has to merely examine the evidence placed by the prosecution in order to determine whether or not the grounds are sufficient to proceed against the accused on basis of charge sheet material. The nature of the evidence recorded or collected by the investigating agency or the documents produced in which prima facie it reveals that there are suspicious circumstances against the accused, so as to frame a charge would suffice and such material would be taken into account for the purposes of framing the charge. If there is no sufficient ground for proceeding against the accused necessarily, the accused would be discharged, but if the court is of the opinion, after such consideration of the material there are grounds for presuming that accused has committed the offence which is triable, then necessarily charge has to be framed.*
>
> *xxxx xxxx xxxx*
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> *12. The primary consideration at the stage of framing of charge is the test of existence of a prima-facie case, and at this stage, the probative value of materials on record need not be gone into. This Court by referring to its earlier decisions in the State of Maharashtra v. Som Nath Thapa, (1996) 4 SCC 659 and the State of MP v. Mohan Lal Soni, (2000) 6 SCC 338 has held the nature of evaluation to be made by the court at the stage of framing of the charge is to test the existence of prima-facie case. It is also held at the stage of framing of charge, the court has to form a presumptive opinion to the existence of factual ingredients constituting the offence alleged and it is not expected to go deep into probative value of the material on record and to check whether the material on record would certainly lead to conviction at the conclusion of trial."*

10. At this stage, the petitioner is essentially aggrieved that one of the grounds on which charges were framed against him was based on the disclosure statement of the accused Obinakaba

David. It is contended that the accused did not name the petitioner and had only stated that he had procured the fake currency notes from one Mr. Singh. The petitioner is also aggrieved that the recovery of items which were effected from the petitioner are common household items, and do not suffice to arise grave suspicion against the petitioner.

11. It is pertinent to note that at the stage of framing of charge the Court is only tasked to evaluate the material for the purpose of finding out if the facts constitute the alleged offence, given the ingredients of the offence. In doing so, the Court is not to sift the material in a manner so as to make the exercise akin to a mini trial to ascertain the guilt of the accused. Thus, while framing of charges, the Court ought to look at the limited aspect of whether, given the material placed before it, there is grave suspicion against the accused which is not properly explained.

12. In the present case, the accused Obinakaba David disclosed that he procured the fake currency notes from one Mr. Singh who is stated to be the present petitioner. Undisputedly, a person cannot be charged for an offence solely on the disclosure statement of co-accused in the absence of some corroborations either in the form of substantive material or some circumstantial corroborative evidence. However, it is categorical allegation that pursuant to disclosure of co-accused, upon the search of the house of the petitioner, certain fake currency notes along with one printer, polyester film, A4 size paper and three mobile phones were recovered. It is also the case of the prosecution that the petitioner was also printing documents to resemble currency notes and was also in possession of instruments to forge currency notes. Whether the petitioner was complicit in the commission of the alleged offence or not would be examined during the course

of the trial, however, at this stage, considering the recovery made, in the opinion of this Court, there is *prima facie* a grave suspicion against the petitioner which is not properly explained and will be tested after the evidence is led.

13. In view of the aforesaid discussion, this Court does not find any infirmity in the impugned order, and the same cannot be faulted with.

14. The present petition is accordingly dismissed.

AMIT MAHAJAN, J

AUGUST 6, 2025