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

+ **CRL.REV.P. 7/2025**

AMAN SINGH

.....Petitioner

Through: Mr. Gaurav Kumar, Advocate
versus

STATE GOVT OF NCT DELHI

.....Respondent

Through: Ms. Kiran Bairwa, APP for the State
SI Anjali Tomar, P.S. Mukherjee
Nagar

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **10.01.2025**

1. The present criminal revision petition has been filed impugning the order dated 02.09.2024 passed by learned ASJ-02, North Rohini Courts, Delhi ('Trial Court') in Sessions Case No. 446/2024, FIR No. 239/2024 registered at Police Station Mukherji Nagar under Sections 324 of Indian Penal Code ('IPC').
2. It is stated that a charge-sheet/final-report dated 18.06.2024 under Sections 307 IPC was filed by the Investigation Officer ('IO'). The case was committed to the Court of Session by the learned ACJM North vide order dated 19.07.2024. Thereafter, vide order dated 02.09.2024 the learned Trial Court has framed the charge for the offence under Section 307 IPC against the accused/revisionist ('impugned order').
3. Mr. Gaurav Kumar, learned counsel for the accused/revisionist states that the final report submitted by the IO failed to establish intention and



knowledge on part of the accused and for framing charge under Section 307 of IPC intention and knowledge of accused must be established. He states that since the accused had allegedly used a kitchen knife to attack the victim, per se it is evident that the accused did not have any intention to cause death. He states that the injuries are on the elbow of the victim which further shows that it was not the intention of the assailant to cause her death. He states that in these facts the Trial Court ought to have appreciated that the alleged act of the accused was not such so as to satisfy the ingredients of Section 307 of IPC.

4. He states that accused/revisionist was not mentally stable at the time of the alleged incident and the act committed by him was due to sudden provocation and therefore, the charge framed against him is unsustainable.

5. In reply, Ms. Kiran Bairwa learned Additional Public Prosecutor (APP) for the State states that during the framing of charges the Trial Court has to apply its judicial mind to the materials on record and such materials must satisfy the Court that there is a ground for presuming that the accused committed the offence and that commission of the offence by the accused was probable. She states that Trial Court is only required to appreciate the evidence in order to make a prima facie view, the Trial Court is not required to go into the merits of the evidence.

6. She states that inflicting of actual injury on the victim is not a sine-qua-non for framing a charge under Section 307, IPC. She states that the CCTV footage of the incident filed with the charge-sheet seen by the Trial Court substantiates the framing of the charge under Section 307, IPC. She states that the vengeance with which the accused attacked the victim has been correctly appreciated by the Trial Court. She states that the accused



was trying to attack the victim on her stomach and the victim was trying to protect himself while she was injured on her elbow. She states that if the said knife would have pierced the stomach or any other vital organs it would have resulted in the death of the victim. She states that the intent of the accused would be proved at Trial.

7. This Court has heard the arguments of the parties and pressed the record.

8. A perusal of the impugned order dated 02.09.2024 shows that the contentions raised by the accused/revisionist before this Court have been raised before the Trial Court at paragraph 2 and the said contentions have been indeed duly considered by the Trial Court.

9. The Trial Court recorded that nature of the weapon used by the accused, the manner in which it was used against the victim, motive for the crime, severity of the blow, the part of the body where the injury is inflicted are all essential factors to be taken into consideration to determine the intention of the accused under Section 307 IPC. After, taking into consideration all these facts Trial Court returned a finding that prima facie offence against the accused/revisionist has been made out. The relevant extract from the Order of Trial Court is reproduced below: -

“8. There are statements of the injured girl and other witnesses u/s 161 CrPC. A CCTV had been played during the course of arguments in the presence of the Ld. counsel for the accused wherein the victim 'S' can be seen walking on the road and the accused Aman Singh and starts giving her multiple injuries with a knife without any instigation at her end. Even when there is intervention by two public persons, accused continues to give her multiple blows and in fact again returns back and gives her a knife blow and forced her down on the road/pavement.”



9. Considering the circumstances and the manner in which the injury has been inflicted, offence u/s 307 IPC is prima-facie made out against the accused.”

(Emphasis Supplied)

10. The powers of this Court while exercising its revisionary jurisdiction under Section 442 of the Bhartiya Nagarik Suraksha Sanhita, 2023 ('BNSS'), formerly Section 401 of the Code of Criminal Procedure, 1973 ('CrPC'), are well-established.

11. The legal position regarding the principles that a Trial Court must consider while framing charges has been conclusively settled by the Hon'ble Supreme Court in **State of M.P. v. Mohanlal Soni**¹. In this judgment, the Supreme Court held that, at the stage of framing charges, the Trial Court is required to make a prima facie determination as to whether sufficient grounds exist to proceed against the accused. It is not within the Trial Court's purview at this stage to assess the sufficiency of evidence or render findings on the merits of the case. The relevant extract from the said judgment reads as under:

“7. The crystallised judicial view is that at the stage of framing charge, the court has to prima facie consider whether there is sufficient ground for proceeding against the accused. The court is not required to appreciate evidence to conclude whether the materials produced are sufficient or not for convicting the accused.

.....

“9. Yet in another decision of this Court in *Niranjan Singh Karam Singh Punjabi v. Jitendra Bhimraj Bijjaya* [(1990) 4 SCC 76 : 1991 SCC (Cri) 47] it is held that at the time of framing charges having regard to Sections 227 and 228 CrPC, the court is required to evaluate the material and documents on record with a view of finding out if the facts emerging therefrom taken at their face value disclose the

¹ (2000) 6 SCC 338 at para 7, 9 and 10



existence of all the ingredients constituting the alleged offence. The court may for this limited purpose to sift the evidence, as it cannot be expected even at the initial stage to accept all that the prosecution states as gospel truth even if it is opposed to common sense or broad probabilities of the case.

10. Further in *Satish Mehra case* [(1996) 9 SCC 766 : 1996 SCC (Cri) 1104 : (1996) 3 Crimes 85 (SC)] this Court has stated that the Sessions Judge was not expected to hold a roving inquiry into the pros and cons of the case at the stage of framing charges by weighing the evidence as if he was conducting the trial.”

(Emphasis Supplied)

12. In the said judgment the Supreme Court cited with approval its earlier judgment in **State of M.P. v. S.B. Johri**, wherein it was held that at the stage of framing the charge, the Trial Court has to prima facie consider whether there is sufficient ground for proceeding against the accused. It observed that at the stage of framing of charge the inquiry by the Court is limited to facts emerging from the materials on record constitute the offence with which the accused could be charged. The Supreme Court cautioned that at the stage of framing of charge evidence are not required to be marshaled by the Trial Court with a view to decide the reliability.

13. In the considered opinion of this Court, in the impugned order dated 02.09.2024, the Trial Court has duly examined the evidence presented on record with the charge-sheet, evaluated the arguments advanced by the learned counsels for the parties, and applied its judicial mind. The Trial Court has prima facie concluded that the accused/revisionist may be charged with the offence under Section 307 of the IPC. The findings returned by the Trial Court in the impugned order are duly borne out from the materials placed record of the case and do not merit any interference.

14. The contention raised by the learned counsel for the accused/revisionist, asserting the alleged absence of mens rea and arguing



that the act in question was not of such a nature as to ordinarily cause death, pertain to matters of trial and cannot be adjudicated at the stage of framing charges. The contents of the footage of the CCTV referred to by the Trial Court in the impugned order is sufficient to satisfy the ingredients of Section 307 IPC.

15. Accordingly, the revision petition filed by the accused/revisionist is dismissed with all pending applications.

16. Needless to state, but any observation touching the merits of the case is purely for the purpose of deciding the question of legality of the impugned order dated 02.09.2024 and shall not be constitute as an expression on the merits of the matter.

17. No order as of cost.

MANMEET PRITAM SINGH ARORA, J
JANUARY 10, 2025/AKT/hp

Click here to check corrigendum, if any