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

% ***Date of Decision : 28.10.2026***

\# **CNR No.DLHC010516072026**

\+ **CRL.REV.P. 638/2026, CRL.M.A. 33662/2026**

RAHUL DRALL .....Petitioner

Through: Mr. Aditya Aggarwal, Mr. Naveen Panwar and Ms. Aparna Kumar, Advs.

versus

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

Through: Mr. Utkarsh, APP for State.
SI Annu, PS Mundka

CORAM:
HON'BLE MR. JUSTICE SACHIN DATTA

SACHIN DATTA, J. (*ORAL*)

CRL.REV.P. 638/2026
Crl.M.A.33661/2026 (for Stay of trial Court proceedings)

1. By way of the present revision petition under section 438 and 442 of the Bharatiya Nagarik Suraksha Sanhita ('BNSS'), 2023 the petitioner assails an order dated 19.09.2026, passed by the Additional Sessions Jugdge-04, West District, Tis Hazari Courts, Delhi, holding that *prima facie* charge under Sections 307 and 506 of the Indian Penal Code ('IPC'), 1860 is made out against the petitioner. The impugned order records as under:

> "*11. In view of the aforesaid facts and reasons, considering the statements/allegations of the complainant, material available on record i.e. charge-sheet and documents annexed with the charge sheet, there is grave suspicion against the accused and prima-facie charge u/s 307/506 IPC is made out against the accused.*
> *12. Accused will remain present physically in the next date of hearing.*"

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2. The prosecution case is that on 14.01.2023, a few hours after a quarrel with his uncle (respondent no.2), the petitioner hit the scooty of respondent no.2 from behind with a Santro car causing respondent no. 2 to fall. After respondent no. 2 got up, he was hit by the scooty again.

3. The respondent no.2 suffered a fracture in his backbone, opined to be grievous.

4. Learned counsel for the petitioner submits that there was a delay of 24 days in registration of the FIR and that he was not named in the PCR call or in the MLC report. It is further submitted that the CCTV footage does not show the driver or the number plate.

5. At the stage of charge, the Court would see only whether the material discloses grave suspicion against the accused. In this regard, reference may be made to judgment of Supreme Court in ***Sajjan Kumar v. CBI***, **(2010) 9 SCC 368** , wherein it was observed 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*

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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."

6. In the present case, the respondent no.2 named the petitioner and made a clear attribution against him in the FIR.

7. The grounds urged are matters of defence to be tested at trial, so is the question of whether the act falls under Section 307 IPC or a lessor offence.

8. The impugned order suffers from no perversity or illegality.

9. Accordingly, the petition is dismissed.

10. Pending applications also stand disposed of.

SACHIN DATTA, J

OCTOBER 28, 2026/cl

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