

\$~14

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

+ CRL.REV.P. 735/2022, CRL.M.A. 22390/2022

SUMAIYA JAN @ SOUMAYYA Petitioner

Through: Mr. Rakesh Malhotra, Adv. (VC).

versus

STATE NCT OF DELHI Respondent

Through: Mr. Hemant Mehla, APP and SI
Amit, PS Vivek Vihar.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

%

10.08.2023

The present revision petition has been filed under Sections 397/401 read with Section 482 Cr.P.C. challenging the impugned order dated 06.07.2022 whereby the learned Trial Court order for framing of charge under Sections 307/325 IPC and Section 75 of Juvenile Justice Act.

Learned counsel for the petitioner submits that in fact the charge-sheet in the present case was filed under Sections 325/506/34 and Section 75 of Juvenile Justice Act.

Learned counsel for the petitioners submits that the impugned order is apparently wrong on the face of it as the learned Trial Court has based its opinion on the basis of statement under Section 164 Cr.P.C. of mother of child, whereas no such statement is on the record.

Learned counsel also submits that even FSL report was not filed at that time.

Learned counsel has also submitted that he conceded to the charges for which the charge-sheet was filed in the court.

Learned APP for the state has submitted that in fact there is no statement recorded under Section 164 Cr.P.C. of the mother of the child.

Though at the stage of charge the court is not required to pass detailed order. However, the court is required to give prima facie view that on what basis the charges were framed. In the present case the learned Trial Court has not given any reason for the framing of charge under Sections 307/325 IPC and Section 75 of Juvenile Justice Act.

It is also a settled provision that merely because the accused persons are conceded, the charges cannot be framed. Learned Trial Court is duty bound to evaluate the material on record and reach to a conclusion for the framing of the charge.

Thus, for the reason stated above, the impugned order is liable to be set aside. The matter is remanded back to the learned Trial Court for hearing the argument afresh on the question of framing of charge and decide the same in accordance with law.

In view of the submissions made, the present petition with pending application stands disposed of.

DINESH KUMAR SHARMA, J

AUGUST 10, 2023/AR..