

State Vs. Sagar Jain and another

Present: Ms. Meenakshi, PP for State assisted by Ms. Indira Unninar, Advocate for complainant.
Accused Sagar Jain on bail represented by Shri Prashant Yadav, Advocate.
Accused Shweta Jain absent (exemption filed) represented by Sh. Prashant Yadav, Advocate

An application for seeking exemption of accused Shweta Jain from personal appearance of accused for today only moved. It is stated in the application that kids of accused are not well and there is no one to take care of her children. Heard. Keeping in view the contents of the application, application is hereby allowed for today only, however, learned counsel for the accused submits that he would argue the application under Section 216 Cr.P.C.

Arguments on the application under Section 216 Cr.P.C. heard. The applicant/complainant has filed this application under Section 216 Cr.P.C for framing of additional charge. The allegations against the accused are that the injured victim Rekha resident of Jharkhand and employed as a domestic helper with the accused was left the accused by some company/agency. She was given beatings by the accused persons and are forced to do the domestic work, kept without food and was confined in the house locked from outside. The accused tortured and threatened to eliminate her. Since, the applicant is a resident of Jharkhand and has been received by the accused from some company (domestic help agency). She was beaten by the accused, not given proper food and confined under lock and key, therefore prima facie offence under Section 370 IPC is made out against the accused, therefore, the charge need to be amended in this regard. However, there is no sufficient evidence to charge sheet the accused under Section

324 IPC as no injury has been caused to the injured victim by dangerous weapon or means. Therefore, application stands allowed partly.

Another application pending is for correction of the orders. It is submitted by the applicant's counsel that arguments on application under Section 216 Cr.P.C. were repeatedly made on various dates including 10.07.2019, 03.09.2019, 01.11.2019 and 19.11.2019 but the order continue to incorrectly reflect that arguments are pending under Section 216 Cr.P.C. Heard. In the zimni orders, there is nothing to suggest that arguments heard on those dates. The zimni orders carry presumption of correctness and it cannot be lightly interfered with. Now the arguments having been addressed before this Court, the application under Section 216 Cr.P.C. has been disposed off. The application for correction of orders deserves dismissal and is dismissed accordingly. Since, the application under Section 216 Cr.P.C. has partly been allowed, now the case is adjourned to 18.01.2022 for framing of additional charge.

(Dr.D.N.Bhardwaj)
Additional Sessions Judge,
Gurugram. UID No.HR-0100
16.12.2021

Vijeta
Stenographer-II