

**IN THE COURT OF VINOD YADAV: ADDL. SESSIONS JUDGE-03:  
(NORTH-EAST): KARKARDOOMA DISTRICT COURTS: DELHI**

***Sessions Case No.128/2020***

***State V/s Lakhpat Rajora & Ors.***

***FIR No.62/2020***

***PS Karawal Nagar***

***U/s 147/148/149/436/427/395/302 IPC & 25/27 Arms Act***

16.09.2021

**THROUGH WEBEX VIDEO CONFERENCING**

Present: Shri Manoj Chaudhary, Ld. Special PP for the State alongwith IO, Inspector Rajiv Ranjan.

Shri Vimal Tiwari, Ld. Counsel for accused persons namely Kuldeep S/o Shri Mangal Sain, Lakhpat Rajora and Lalit alongwith all the three accused persons produced in JC.

Shri Sanjay Kumar Gupta, Ld. Counsel for accused Kuldeep, S/o Shri Shyam Babu alongwith accused produced in JC.

Shri Dinesh Tiwari, Ld. Counsel for accused Yogesh alongwith accused produced in JC.

**ORDER ON CHARGE**

Today the matter is listed for order on charge. The arguments on charge advanced at bar were heard in detail on various dates of hearings. The arguments were finally concluded by all the stakeholders on 15.09.2021. I have given thoughtful consideration to the arguments advanced at bar and perused the entire material on record.

2. Before advertng to the arguments advanced at bar, it would be appropriate to have a brief overview of the facts of the case in hand. On 27.02.2020, complainant Saleem Kassar, S/o Mohd. Khacheru, r/o House No.A-44, Gali No.1, Prem Vihar, Shiv Vihar, near Ramleela Maidan, Karawal Nagar, Delhi went to police station Karawal Nagar and got recorded his statement to ASI Rakam Singh; wherein, he stated that on 25.02.2020, at about 9.00 AM, a

riotous mob after breaking open the doors of his house with sarias and dandas, had looted the same and thereafter set it on fire. He further stated that his Nano car bearing Regn. No.DL4CAN/6537 (model 2012) and TSR bearing Regn. No.DL1RL/9401, which at the relevant time were lying parked in front of his aforesaid house were also burnt by the said riotous mob on the said date. He further stated that the said riotous mob had also committed murder of his elder brother namely Mohd. Anwar with gunshot injury and thereafter burnt his body. He further stated that that the said riotous mob had also untied and taken away 17 goats of his said brother and also put on fire his household articles. On the basis of said statement made by complainant Saleem Kassar, case FIR in the matter was registered on 27.02.2020.

3. (i) Thereafter, ASI Rakam Singh alongwith complainant Saleem Kassar went to the spot/scene of crime (SOC) where traces of a burnt dead body were found with a piece of leg in unburnt condition.

(ii) Considering the seriousness of offence, investigation thereof was transferred to SIT/Crime Branch. The dead body of deceased Mohd.Anwar could be ascertained only after conducting DNA test from the blood samples of the daughter of deceased namely Ms.Gulshan, complainant Saleem Kassar and the blood sample of deceased. The DNA report confirmed that the dead body was of deceased Mohd. Anwar.

4. (i) During the course of investigation, statement of complainant Saleem Kassar was recorded under Section 161 Cr.P.C on 06.03.2020; spot/SOC was photographed and thoroughly inspected by FSL team; statements of other witnesses were recorded; daughter of deceased namely Ms.Gulshan was telephonically contacted, who provided two mobile numbers (8130583922 & 8882458994) of his deceased father which were being used by him at the relevant time.

(ii) During the course of further investigation, one public person namely

Jitender @ Sanju met the IO/investigating agency and provided mobile number of accused Lakhpat Rajora, who is a local criminal and stated to have played an active role in the riots. Based upon technical surveillance, accused Lakhpat Rajora was arrested in the matter on 18.03.2020 from near wine shop, Shyam Vihar Colony, Ballabgarh, Haryana and his disclosure statement recorded, wherein he admitted his involvement in the case in hand. He further disclosed that he had shot deceased Mohd. Anwar twice with country made pistols (kattas), provided to him by co-accused Yogesh and Kuldeep, S/o Mangal Sain each. On the basis of his aforesaid disclosure statement, co-accused persons namely Yogesh and Kuldeep, S/o Mangal Sain were also arrested in the matter on 18.03.2020 itself, who both got recovered one country made pistol (katta) each from their respective houses. Accused Kuldeep, S/o Mangal Sain further got recovered one empty cartridge from Ramleela Maidan as also one orange coloured full sleeve T-shirt from his house, which he was wearing at the relevant time.

(iii) During the course of further investigation, all the aforesaid three accused persons further disclosed about the involvement of other persons namely Rajender, Mohit @ Chatu, Lalit and Kuldeep, S/o Shyam Babu. Accordingly, accused persons namely Lalit and Kuldeep, S/o Shyam Babu were arrested in the matter on 29.03.2020 and 31.03.2020 respectively. One wooden stick/danda each were also recovered at the instance of accused Lalit and Kuldeep, S/o Shyam Babu in the matter.

(iv) Accused Lakhpat Rajora **refused** to participate in judicial “**Test Identification Parade**” (TIP).

5. (i) No relevant CCTV footage of the incident in question could be found in the matter. However, on 04.04.2020, a hard-disk of DVR of Parikshit Enterprises, House No.3, 33 foota road, Shiv Vihar, was seized from one Ankur, S/o Rajinder, on account of same being located opposite Ramleela maidan where the incident in question had taken place and sent to FSL.

(ii) The CDRs of the mobile phones of the accused persons were analyzed which revealed their presence at or around the spot/SOC at the relevant time. During the course of further investigation, further statement of complainant Saleem Kassar was recorded in the matter by the IO. The statements of daughter of deceased namely Ms.Gulshan and other public witnesses were also recorded.

6. (i) During the course of further investigation, on 27.05.2020 further statement of complainant Saleem Kassar and his son Saddam were recorded in the matter and efforts were put to trace accused Mohit @ Chatu, whose name cropped up in the disclosure statement of co-accused Lalit. Thereafter, on 06.08.2020, on specific information, witness namely X, son of Y, r/o Z (**protected witness**) was examined in the matter, who gave blow-by-blow account of series of events that took place on 25.02.2020 at Ramleela ground, Gali No.1, Shiv Vihar, Prem Vihar, Karawal Nagar, Delhi. The statement of Abhishek Kumar Chaudhary, S/o Subodh Chaudhary, owner of the house in which deceased Mohd. Anwar had been putting up was also recorded.

(ii) From the ballistic report of the exhibits it was confirmed that the weapons recovered from accused Kuldeep, S/o Mangal Sain and Yogesh were in “**working condition**” and the empty cartridge recovered from the Kuldeep S/o Mangal Sain had been fired from the weapon recovered from him. The bonny tissue recovered from the spot has also matched with the DNA profile of the deceased Mohd. Anwar.

7. The learned defence counsel(s) in unison made a strong pitch *inter alia* submitting that the instant matter is a perfect recipe for discharge of accused persons on account of the following reasons:

(i) It is argued that accused persons have been falsely implicated in the matter by the investigating agency, being resident(s) of the same area/locality. Their false implication is further evident from the fact that

there is an “*unexplained delay*” of about two (02) days in registration of FIR in the matter, as the alleged incident took place on 25.02.2020; whereas, the case FIR was registered on 27.02.2020. The accused persons have not been specifically named in the FIR.

(ii) The so called eye witnesses namely Saleem, Saddam and “X” son of “Y” are not the eye witnesses in the matter and their statements have been recorded by the I.O at his own whims and fancies. PW Saleem in his statement recorded on 26.02.2020 (DD No.7-B) had not named the accused persons, however, later on 30.03.2020, the accused persons have been shown identified by PWs Saddam and later on by PW “X” son of “Y” (*protected witness whose identity has been withheld*) vide his statement dated 06.08.2020, whereby he has named them to be part/member of “*unlawful assembly*” which had initially vandalized the Nano Car of PW Saleem, later on committed murder of deceased Mohd. Anwar and put him on fire and thereafter again looted, vandalized and put on fire the house of PW Saleem. It is further argued that identification of the accused persons in the matter is not proper and the same is not legally admissible. There has been delay in recording the statements of witnesses, which makes their statements inadmissible in the eyes of law.

(iii) It is further argued that two supplementary chargesheets have been filed in the matter to plug-in the lacunas and even the said supplementary chargesheets go counter to the disclosure statement made by co-accused Lalit.

(iv) As regards accused Kuldeep, S/o Shri Shyam Babu, it is specifically submitted that he remained present at his home on the date of incident, as there was a function of “*Haldi-Rasam*” at his residence and there is no question of he having participated in the rioting.

(v) It is contended that that there is no electronic evidence available against the accused persons either in the form of CCTV footage/video-clip to nail their presence at the spot/scene of crime (SOC) at the relevant time. In addition, it is emphasized that the CDR location(s) of the accused persons relied upon by the investigating agency is of no help to it because accused persons are resident(s) of the area/locality in question and CDR does not show real time location of the user, it shows only approximate location.

(vi) The recoveries of country made pistols effected at the instance of accused Yogesh and Kuldeep, S/o Mangal Sain and orange coloured T-shirt from accused Lakhpat Rajora are “**planted**” ones.

(vii) The learned counsels have referred to the PCR forms at pages 44, 49, 52 and 54 of the chargesheet and contended that there is difference of time of the alleged incident in the matter. I have also been taken through the postmortem report at page 89 of the chargesheet and it is contended that “**cause of death**” of deceased Mohd. Anwar has not been ascertained during investigation.

(viii) It is next contended that the except accused Lakhpat Rajora, the other accused persons have not been subjected to judicial “**Test Identification Parade**” (TIP). They have been sought to be identified from amongst a large number of so called rioters. Reference in this regard has been made to the judgment of “*Usmangani @ Bhura Abdul Gaffar & Anr. V/s State of Gujarat*”, decided on 09.08.2018 by Hon’ble Supreme Court in *Crl.Appeal No.1041/2061* to emphasize that *identification of a few select persons in a large mob by a witness, in the absence of TIP cannot inspire the confidence of Court.*

8. (i) The reliance has been placed upon case law “**R. Shaji V/s State of Kerala**”, reported as, “**2013 (1) RCR (Crl.) 964**” to contend that identification through photograph(s) is not the proper and legal course of identification.

(ii) Judgment titled as, “**Harbeer Singh V/s Sheesh Pal**” reported as, “**2016 (4) RCR (Crl.) 747**” has been relied upon to show that the delay in recording of the statements of witnesses causes doubt about the veracity thereof. To the same effect, reliance has been placed upon “**State of UP V/s Mudrika & Ors.**”, reported as, “**2001 CAR 65**”.

(iii) Judgment in “**Suresh Budharmal Kalani @ Pappu Kalani V/s State of Maharashtra**”, reported as, “**AIR 1998 SC 3258**” has been relied upon to the effect that confession made by the accused persons while in custody cannot be read against them.

(iv) Law laid down in “**C.K Ravindran V/s State of Kerala**”, reported as, “**2000 (1) JCC (SC) 20**” has been relied upon to the effect that if cause of death has not been ascertained in the report of autopsy surgeon/postmortem certificate, then that causes a dent in the prosecution case in a case of circumstantial evidence.

(v) In the end, strong reliance has been placed on “**Sanjay Kumar Rai V/s State of UP**”, reported as, “**2021 (2) RCR (Crl.) 813**” and it is contended that at the time of consideration on charge the Court has to shift through evidence in order to find out whether there are sufficient grounds to try suspect.

9. (i) Per contra, learned Special PP for the State has very vehemently argued that on 24.02.2020 some unscrupulous elements hatched a large scale conspiracy and carried out riots in the area of North-East District of Delhi. The communal riots continued for two days unabated, resulting in large number of deaths of innocent persons and loss of property worth crores of rupees.

(ii) **As regards the case in hand**, it is very vehemently argued that the same pertains to the *brutal murder of Mohd. Anwar S/o Mohd. Khacheru*, who was attacked by riotous mob solely on the premise that he happened to be from a

different community. He was first shot and later on put on fire by the riotous mob inside Ramlila Ground, opposite his house. It is further argued that besides that, the same riotous mob destroyed the house of the brother of deceased namely Saleem Kassar, looted cash, utensils and jewellery articles and thereafter put the house on fire. The said mob also set on fire the TSR as well as the car of complainant Saleem Kassar.

10. The evidence available against the accused persons has been specified as under:

<b>(a) Role of accused persons</b>	They have been found to be “ <b>active members of the riotous mob</b> ” on the date and time of incident that took active participation in rioting, vandalizing and arson in the area/locality in question on the date and time of incident.
<b>(b) Ocular evidence</b>	(i) Accused Lakhpat Rajora has been identified by complainant Saleem Kassar vide his statement recorded under Section 161 Cr.P.C. (ii) The other four accused persons namely Yogesh, Kuldeep, S/o Mangal Sain, Lalit and Kudeep, S/o Shyam Babu have been duly named/identified by PW Saddam, who is son of complainant Saleem Kassar. (iii) All the accused persons have been duly named/identified by “ <b>protected witness X</b> ”, S/o Y, r/o Z vide his statement recorded under Section 161 Cr.P.C to be part/members of the riotous mob at the relevant time.
<b>(c) Technical Evidence</b>	CDR locations qua the mobile phones of all the accused persons have been found at or around the spot/SOC on the date and time of incident.
<b>(d) Miscellaneous</b>	(i) Accused Lakhpat Rajora had <b>refused</b> to take part



	<p>in judicial “<b>Test Identification Parade</b>” (TIP).</p> <p>(ii) His disclosure statement to the effect that two country made pistols were provided to him co-accused Yogesh and Kuldeep, S/o Mangal Sain, which he used for firing upon the deceased.</p> <p>(iii) One country made pistol each recovered from co-accused Yogesh and Kuldeep, S/o Mangal Sain. Even one empty cartridge and an orange coloured T-Shirt was recovered from accused Kuldeep, S/o Mangal Sain.</p>
<b>(e) Involvement in other cases</b>	Besides the case in hand, accused persons are also involved in several other cases of rioting in the area.

11. (i) As regards the contentions of the learned counsel(s) that the accused persons have not been specifically named in the FIR and there being delay in registration thereof, it is argued that the communal riots in North-East Delhi were very unprecedented; people were very much scared; police personnel were busy in maintaining law and order duty, rescuing the victims and stopping further damage to the life, limb and property(ies) in the area; there was curfew like atmosphere at or around the area and the people were so shocked and traumatized that it took several days for them to muster courage to come out and report the matter to the police when the situation became normal. It is contended that since the police personnel remained busy in maintaining law and order, the matters were not promptly reported to the police station. It is further submitted that accused persons have been categorically identified by complainant Saleem Kassar, his son Saddam and “**protected witness X**”, whose said statements cannot be thrown out of the Court at this stage merely on account of some delay therein or they not having named the accused persons in their initial statements. As a sequel thereto, it is contended that this is not the appropriate stage to dwell upon the said issue(s) and the same would be taken care of during the course of trial.

(ii) As regards non-availability of any CCTV footage in the matter, it is emphasized that dreary days of 24.02.2020 and 25.02.2020 saw parts of North-East Delhi gripped by a communal frenzy, reminiscent of carnage during the days of partition. The rioters had broken down virtually every CCTV in the vicinity and had damaged the DVRs thereof on 24.02.2020 and 25.02.2020 and as such, it is quite possible that on this account no CCTV footage is available in the matter.

(iii) It is argued that except for **Sanjay Kumar Rai** (supra), all other judgments are after the trial in the matter(s) were over; whereas, the facts of **Sanjay Kumar Rai** (supra) were entirely different from the facts of the present case and is not applicable in this case. As regards non availability of cause of death of deceased Mohd. Anwar, it is argued that ascertaining the cause of death was not possible in this case on account of the fact that the unlawful assembly of rioters had burnt his body and only a small piece of leg was recovered on which DNA analysis was conducted which established the fact that it was the dead body of Mohd. Anwar which had been put on fire.

(iv) As regards the delay in recording of the statements of witnesses is concerned, it is argued that the atmosphere in the area at or around the date of incident was very scary. PW Saleem had lost his elder brother in the riots, as such he was naturally shocked. So were his other family members and as such, some delay in recording of their statements had occurred. The contradictions regarding time recorded in PCR forms cannot be adjudicated at this stage and same can be conveniently gone into at the time of trial. As regards the statement of “**protected witness X**”, son of Y, it is contended that this witness as well as the accused persons are residents of the same locality. He had seen the murder being committed by the accused persons and he was naturally shocked, however, later on when the atmosphere attained calmness, he came out and made his statement to the police by giving suitable explanation for the delay. As regards the complete non-disclosure of facts by PW Abhishek, it is contended that he is from the same very community the accused persons come from and as such, he did not want to jeopardise his life. It is very vociferously contended that at this

stage, the Court should not read much into his statement as every witness react to a particular situation in a different manner. There cannot be a strait jacket pattern of behaviour/analysis/eloquence of every witness.

12. Lastly, it is submitted that at the stage of consideration on charge, the court is not supposed to meticulously judge the evidence collected by the investigating agency and has to take *prima facie* view thereupon.

13. I have given thoughtful consideration to the arguments advanced at bar by both the sides. I have also carefully gone through the chargesheet filed in the matter.

14. The law with regard to framing of charge is fairly settled now. In the case of “**Kallu Mal Gupta V/s State**”, **2000 I AD Delhi 107**, it was held that while deciding the question of framing of charge in a criminal case, the Court is not to apply exactly the standard and test which it finally applied for determining the guilt or otherwise. This being the initial stage of the trial, the court is not supposed to decide whether the materials collected by the investigating agency provides sufficient ground for conviction of the accused or whether the trial is sure to culminate in his conviction. **What is required to be seen is whether there is strong suspicion which may lead to the court to think that there is ground for presuming that the accused has committed an offence.**

15. Furthermore, in case titled as, “**Umar Abdula Sakoor Sorathia V/s Intelligence Officer Narcotic Control Bureau**”, **JT 1999 (5) SC 394** it was held that, “it is well settled that at the stage of framing charge, the Court is not expected to go deep into the probative value of the materials on record. If on the basis of materials on record, the court could come to the conclusion that the accused would have committed the offence, the court is obliged to frame the charge and proceed to the trial”.

16. It is well-settled law that at the time of framing of charge the FIR and the material collected by the investigating agency cannot be sieved through the cull ender of the finest gauzes to test its veracity. A roving inquiry into the pros and cons of the case by weighing the evidence is not expected or even warranted at the stage of framing of charge (reliance **Sapna Ahuja V/s State**”, **1999V AD Delhi p 407**).

17. (i) Now, reverting back to the case in hand. Though, there is some delay in recording the statements of public witnesses in the matter, but at this stage, this Court cannot loose sight of the fact that on account of prevailing communal tension in the area, it was very difficult for the investigating agency to trace the eye/public witnesses promptly, because the people were so shocked and traumatized that it took several days for them to muster courage to come out and report the matter to the police. Complainant Saleem Kassar had seen his elder brother being shot dead and his house being burnt by the riotous mob, so it was natural for him to get shattered and shocked; however, by the passage of time, after gaining some composure and confidence, he has not only given blow-by-blow account of the incident, but has also categorically identified accused Lakhpat Rajora. His statement finds corroboration from the statements of his son Saddam and “**protected witness X**”. At this stage, their aforesaid statements cannot be brushed aside/discarded merely because there has been some delay in recording thereof or that the complainant did not specifically name/identify the accused persons in his initial written complaint made to the police. This is not the appropriate stage to dwell upon the issue of delay in recording the statements of aforesaid public witnesses and the same would be seen during the course of trial. The learned Special PP has been able to accord cogent explanation with regard to delay in registration of FIR and recording the statements of witnesses in the matter.

(ii) The CDR locations of all the accused persons have been found at or around the spot/SOC on the date of incident, which *prima facie* appears to be **out**

**of their routine location(s).** The defence taken by them that since they are residents of same area/locality and therefore, their CDR location is being found at or around the spot/SOC is of little help to them at this stage.

(iii) Accused Lakhpat Rajora had **refused** to undergo judicial “**Test Identification Parade**” (TIP) in the matter and as such an adverse inference is likely to be drawn against them. Even the orange coloured T-shirt worn by him at the relevant time during rioting has been recovered at his instance.

(iv) One country made pistol each has been recovered at the instance of co-accused Yogesh and Kuldeep, S/o Mangal Sain. The ballistic report has confirmed that said weapons were in “**working condition**”. Whether the same are planted or otherwise cannot be decided at this stage and the same would be seen during the course of trial.

18. As regards the contention of learned counsel(s) that accused persons are not seen/visible in any CCTV footage, I find substance in the submissions of learned Special PP that rioters had broken down virtually every CCTV in the vicinity and had damaged the DVRs thereof on 24.02.2020 and 25.02.2020 and as such, it is quite possible that on this account no CCTV footage is available in the matter. The aforesaid fact has also been taken due note of by Hon’ble High Court of Delhi while dismissing the regular bail applications of two accused persons namely Sameer Khan and Kasim in case FIR No.65/2020, PS Dayalpur (**IB Officer Ankit Sharma murder case**) vide detailed order dated 03.05.2021 (passed in Bail Applications No.1344/2021 and 1166/2021). The observations made by Hon’ble High in the said order are re-produced hereunder: To quote:

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*21. It is a matter of fact, in such like cases where large mob is involved in riots and illegal activities causing harm to public property, peace and life, statement of eye witnesses and corroborative evidence plays a vital role and at the time of considering the bail application of accused, it would be too soon to analyse the testimony of eye witnesses and public witnesses to arrive at a conclusion as to whether any case is made out against the accused or not. Non availability of*

*technical evidence such like CCTV footage etc. cannot be accepted as a ground for non-availability of direct evidence, as it is a matter of record that CCTV cameras installed in the areas in question were either broken or hidden by the mob. At the time of grant of bail only a prima facie opinion has to be formed and the facts and circumstances of this case do not persuade this Court to keep a lenient view towards the petitioners. Petitioners have been playing hide and seek with the prosecution. Charge sheet in the FIR in question has already been framed and trial is in progress. Petitioners will have an opportunity to make their case at the appropriate stage during the course of trial.*

*22. With aforesaid observations, these petitions are dismissed, while making it clear that any observation made herein shall not influence trial of the prosecution case.*

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19. Even recently the Hon'ble High Court of Delhi, while dismissing the bail application of accused Pankaj Sharma in case FIR No.35/2020, PS Gokalpuri, vide order dated 21.05.2021 (passed in Bail Application No.1264/2021) has been pleased to observe as under:

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*24. The plea of petitioner that similar to those cases, there is no CCTV footage in the present case and so, petitioner's involvement in the offence is not proved, cannot be accepted, as there may not be technical evidence in the form of CCTV footage but the call detail record of petitioner shows his presence at the spot of crime on the day of incident and his participation in "Kattar Hindu Ekta" whatsapp group, is still under scrutiny. Besides, PCR call record, statement of eye witnesses and other witnesses, dissuades this Court to keep a lenient view for petitioner. Moreover, each case has to be seen in the peculiar facts of the said case and observations made in one case are not binding on another.*

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20. (i) It is pertinent to note here that it is permissible for the Court to sift and weigh the evidence for the limited purpose of finding out whether or not *prima facie* case against the accused has been made out or not. The material to

determine *prima facie* case would depend upon the facts of each case. However, it is not expected to decide the credibility and truthfulness of the available material at the stage of consideration on charge. The disputed defence of accused cannot be taken into consideration at this stage. Sufficiency of material or evidence is not required for framing of charges, unless Court finds that the materials are completely and absolutely absent for the purpose of trial. It is well settled that when there is evidence indicating strong suspicion against the accused, the Court will be justified in framing of charge and granting an opportunity to the prosecution to bring on record entire evidence for the purpose of trial.

(ii) Even recently the Hon'ble Supreme Court in **Criminal Appeal No.873/2021**, titled as, “**Saranya V/s Bharathhi & Anr.**” (DOD 24.08.2021) has been pleased to lay down as under:

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*7.1 In the case of Deepak (supra), to which one of us (Dr. Justice D.Y. Chandrachud) is the author, after considering the other binding decisions of this Court on the point, namely, Amit Kapoor v. Ramesh Chander (2012) 9 SCC 460; State of Rajasthan v. Fatehkaran Mehdu (2017) 3 SCC 198; and Chitresh Kumar Chopra v. State (Government of NCT of Delhi) (2009) 16 SCC 605, it is observed and held that at the stage of framing of charges, the Court has to consider the material only with a view to find out if there is a ground for “presuming” that the accused had committed the offence. It is observed and held that at that stage, the High Court is required to evaluate the material and documents on record with a view to finding out if the facts emerging therefrom, take at their face value, disclose the existence of all the ingredients constituting the alleged offence or offences. It is further observed and held that at this stage the High Court is not required to appreciate the evidence on record and consider the allegations on merits and to find out on the basis of the evidence recorded the accused chargesheeted or against whom the charge is framed is likely to be convicted or not.*

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21. In view of the aforesaid discussion, I am of the considered opinion that *prima facie* there is enough material on record to frame charges against the accused persons under requisite sections. Let charges under appropriate sections be framed against all the accused persons. Put up the matter at 2.00 PM for getting the charges signed from the accused persons and fixing the dates of trial.

VINOD  
YADAV

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by VINOD YADAV  
Date: 2021.09.16  
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(VINOD YADAV)

ASJ-03(NE)/KKD COURTS/16.09.2021