

State vs.bhuwan Mohan

State vs.bhuwan Mohan

SooperKanoon Citation : sooperkanoon.com/1220995

Court : Delhi

Decided On : Jan-30-2019

Appellant : State

Respondent : Bhuwan Mohan

Judgement :

IN THE HIGH COURT OF DELHI AT NEW DELHI Date of Order: January 30, 2019 * + CRL.REV.P. 497/2018 STATE

... Petitioner

Through: Ms.Neelam Sharma, Additional Public Prosecutor for State with Inspector Rajesh Johri, PS DIU/SHD. versus BHUWAN MOHAN Through: Mr.R.P. Luthra and Mr.Sourabh, Respondent Advocates CORAM: % HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

3001.2019 Impugned order of 18th November, 2017 directs framing of charge for offences under Section 3

of IPC. The impugned order is challenged by learned Additional Public Prosecutor for the State on the ground that the offence committed by the respondent-accused is under Section 302 IPC and not Section 304 IPC. As per the MLC, the deceased had sustained lacerated wound on the left side of forehead measuring 2 inches X2inches and there was left periorbital hemorrhage and odema present and clots in both nostrils. It is contended that as per the post mortem report, the cause of

death was compression of brain due to the injury on the forehead of the deceased- Sanjay caused by the rod and due to the injury sustained, injured- Sanjay had died. CRL. R.V. 497/2018 Page 1 of 2 It was put to the petitioners counsel as to after how much time, the injured- Sanjay had died and learned Additional Public Prosecutor for the State informed that injured-Sanjay had died after 20 days of the incident. Upon hearing and on perusal of the impugned order, I find that trial Court has rightly framed charge under Section 304 of IPC and not under Section 302 of IPC against the petitioner. No ground for framing of charge under Sections 302 IPC is made out. This petition is accordingly dismissed while not commenting upon the merits of the case. JANUARY30 2019 neelam (SUNIL GAUR) JUDGE CRL. R.V. 497/2018 Page 2 of 2

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com