

**Charan Singh Sharma Vs. Delhi Administration (State) and ors.**

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**SooperKanoon Citation :** [sooperkanoon.com/695196](http://sooperkanoon.com/695196)

**Court :** Delhi

**Decided On :** Feb-03-1994

**Reported in :** 1994IAD(Delhi)565; 53(1994)DLT413; 1994(28)DRJ369

**Judge :** Jaspal Singh, J.

**Acts :** [Code of Criminal Procedure \(CrPC\) , 1973](#) - Sections 482

**Appeal No. :** Criminal Miscellaneous (Main) Appeal No. 1475 of 1993

**Appellant :** Charan Singh Sharma

**Respondent :** Delhi Administration (State) and ors.

**Advocate for Pet/Ap. :** D.R. Gupta,; B.T. Singh and; H.R. Khan, Advs

**Judgement :**

**Jaspal Singh, J.**

(1) The petitioner is aggrieved by the charge framed by the learned Metropolitan Magistrate against him under section 506 li of the Indian Penal Code. Hence this petition.

(2) The learned counsel for the petitioner made three submissions while seeking the quashing of the charge. His first contention was that the petitioner could not be present at the place of occurrence at the given time as at that time he was

attending his place of work. In support my attention was drawn to a certificate issued by his School authorities where he is employed as teacher. His second contention was that no useful purpose would be served by making a criminal case go on and that in fact it would only embitter the relations further. Lastly it was argued that even otherwise on the basis of the material on record the charge ought not to have been framed.

(3) The petitioner is being prosecuted, as would be borne out from what has already been recorded above, under section 506 of the Indian Penal Code on the basis of a report lodged by the complainant with the Police Post at Tis Hazari courts. The report would go to show that while he was proceeding towards his lawyer's chamber at Tis Hazari courts complex, the accused Along with two of his companions intercepted him, took out a pistol and threatened to kill him. The petitioner is further alleged to have threatened that in case he (the complainant) would not behave in the desired manner he would be buried alive. ['Sale Ko Zinda Gad Doonga']. Not only this the petitioner is further alleged to have threatened the complainant with death in case he did not stop pursuing the litigation relating to his brother.

(4) Having given a brief resume' of the report leading to the registration of the case and thereafter the framing of the charge by the learned Metropolitan Magistrate, let me revert back to the submissions made in support of the petition.

(5) Of course, I was shown a certificate alleged to have been issued by the School Authorities where the petitioner is stated to be employed as a teacher which shows that he had attended the school from 8 a.m.to 1.30 p.m.on the relevant date. This would, of course, support the contention of the learned counsel that the petitioner was not present at the place of occurrence which allegedly took place at around 10.45 a.m. However, this certificate does not form part of the court proceedings and consequently while framing the charge the learned Metropolitan Magistrate was not obliged to look into it. It would, of course, be open to the petitioner to plead and put forward such a defense and to make use of the certificate at appropriate stage, if so advised. This much as far as the first contention is concerned.

(6) Coming to the submission that no useful purpose would be served by making the criminal proceedings continue and that it may rather embitter further the relations between the parties, I feel that in the context of this case, this is hardly a ground for quashing the charge.

(7) As regards the third contention that no case is made out for framing of the charge. I feel that it is equally devoid of force. I have already reproduced above the summum bonum of the report leading to the registration of the case and thereafter to the framing of the charge. The allegations made in the complaint do constitute, prima facie, the offence of criminal intimidation. Though the threat need not be addressed to the person intimidated yet in the case before me the complainant was directly intimidated. Taking out of the pistol and threatening to kill and the manner in which the threat was extended, prima facie, do point out towards the commission of the offence. True, strong suspicion against the accused, if the matter remains in the region of suspicion, would not take the place of proof of his guilt, yet it may be sufficient for the satisfaction of the court in order to frame a charge against the accused. The trial court positively had the power to sift and weigh the evidence but that power was only for the limited purpose of finding out whether or not a prima facie case against the accused had been made out. And, since in the case in hand the materials placed before the trial court do disclose grave suspicion against the accused I do feel that the court was fully justified in framing the charge in question and proceeding with the trial.

(8) For what has been recorded above, I find no merit in the petition. The same is hereby dismissed. However, before concluding a word of caution is needed and it is that nothing said in the order shall be read as an expression of opinion on the merits of the case.