

**Anil Kumar and anr. Vs. State**

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**SooperKanoon Citation :** [sooperkanoon.com/703545](http://sooperkanoon.com/703545)

**Court :** Delhi

**Decided On :** Jul-26-2005

**Reported in :** 122(2005)DLT418; II(2005)DMC377

**Judge :** R.S. Sodhi, J.

**Acts :** [Indian Penal Code \(IPC\), 1860](#) - Sections 34, 302, 306 and 498A

**Appeal No. :** Crl. Rev. P. 673 of 2004

**Appellant :** Anil Kumar and anr.

**Respondent :** State

**Advocate for Def. :** V.K. Malik, Adv.

**Advocate for Pet/Ap. :** Rajesh Kumar, Adv

**Judgement :**

ORDER

**R.S. Sodhi, J.**

Crl. M.A. 9778/2004:

1. Delay condoned. Application disposed of.

Crl. Rev. P. 673/2004 & Crl. M.A. 9776/2004.

Crl. Rev. P. 673/2004 is directed against the order of the Additional Sessions Judge, Delhi dated 4.6.2004 whereby the learned Judge has framed a charge under Section 498A/306/302/34, IPC.

2. Counsel submits that such charge cannot be framed since they are diametrically opposite.

3. I have gone through the records and perused the order dated 4.7.2004 as also studied Sections 306/302/34. Obviously, Counsel for the petitioner is correct in submitting that charge of 306 and 302/34 cannot be framed. Particulars of charge are essential to be supplied while framing of charge in which case if Kanta Devi has committed suicide she cannot be murdered.

4. In his view of the matter, the order dated 4.6.2004 is set aside. The Trial Court is directed to re-frame charges, if so made out, on the material available before it.

5. With this Crl. Rev. P. 673/2004 is disposed of Crl.M.A. 9776/2004 also stands disposed of.

A copy of this order be given dusty to Counsel for the petitioner.

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