



2025:DHC:11026



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Judgment reserved on: 10.11.2025
Judgment pronounced on: 03.12.2025
Judgment uploaded on: 08.12.2025

+ **CRL.REV.P. 438/2025 & CRL.M.A. 32831/2025 & CRL.M.A. 32832/2025**

ARYAN BAJPAI

.....Petitioner

Through: Mr. Manoj Kumar Sharma,
Advocate.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Naresh Kumar Chahar,
APP for State.

+ **CRL.REV.P. 440/2025 & CRL.M.A. 32897/2025 & CRL.M.A. 32898/2025**

OM PRAKASH

.....Petitioner

Through: Mr. Manoj Kumar Sharma,
Advocate.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Naresh Kumar Chahar,
APP for State.

CORAM:**HON'BLE DR. JUSTICE SWARANA KANTA SHARMA**



JUDGMENT

DR. SWARANA KANTA SHARMA, J

1. By way of these petitions, the petitioners seek setting aside of the order dated 28.08.2025 [hereafter '*impugned order*'] passed by the learned Additional Sessions Judge-04, North-East, Karkardooma Courts, Delhi [hereafter '*Trial Court*'] in SC No. 285/2023, arising out of FIR bearing no. 369/2011, registered at Police Station Gokul Puri, Delhi, for the commission of offence punishable under Sections 337/279 of the Indian Penal Code, 1860 [hereafter '*IPC*'].

2. Briefly stated, facts of the present case are that on 14.10.2011, at about 10:30 PM, a PCR call had been received at PS Gokul Puri, Delhi, regarding a road accident at Yamuna Vihar flyover, informing that the injured had been moved to the nearest hospital. The police officials had reached the spot, and had found one motorcycle bearing no. DL-13-SJ-8027 parked unattended. On inquiry, it was revealed that the injured, i.e. Pooja, wife of Aryan Bajpai, had been admitted to GTB Hospital, Delhi, where she was declared "unfit for statement." No eyewitness had been found either at the hospital or the spot. Accordingly, a *rukka* had been prepared on the basis of the PCR call and MLC, and the case was registered under Sections 279/337 of the IPC. On 15.10.2011, the injured succumbed to her injuries. Inquest proceedings were then conducted by the SDM, Seelampur, Delhi, and postmortem report had opined the cause of death as "shock due to ante-mortem head injury caused by blunt force impact." The father of the deceased, Sh. Manu Lal Mishra, had



thereafter alleged that the deceased had been killed for not meeting dowry demands. Following the complaints before the Public Grievance Commission and the NHRC, further inquiry had been directed, and Section 304A of IPC had been replaced with Section 304B of IPC. During the course of investigation, statements of the deceased's parents and brother had been recorded, and one witness, Pawan Sharma, stated that he had seen a man hitting the lady pillion rider, causing her to fall from bike, on the day of incident. A separate FIR under Sections 498A/406 of IPC had also been registered at CAW Cell, North-East District, Delhi. On completion of investigation, a charge-sheet had been filed under Sections 498A/304B and Section 302 of the IPC against the present applicant/accused Aryan Bajpai.

3. Thereafter, by way of the impugned order dated 28.08.2025 the learned Trial Court framed charges against the petitioners for commission of offence under Sections 302/34 of the IPC.

4. The learned counsel appearing for the petitioners argues that there is no material to support the charge of murder under Section 302 of IPC. It is argued that the incident was initially treated as a road accident, and nothing on record suggests that the petitioners had intentionally caused the death of the deceased. The only material relied upon is the statement of one witness, Pawan Sharma, which, according to the petitioners, is uncorroborated, belated, and insufficient to form the basis of a charge of murder. It is further submitted that no motive, or other supporting evidence has been



recovered to show that the petitioner–husband or the co-accused/father-in-law had killed the deceased, and therefore, the ingredients of Section 302 of IPC are not made out.

5. The learned APP for the State, on the other hand, submits that there is sufficient *prima facie* material to justify framing of a charge under Section 302 of IPC. It is argued that the eyewitness, Pawan Sharma, has specifically stated that he had seen the petitioner giving a deliberate blow to the deceased, causing her to fall from the motorcycle. It is stated that the postmortem report, recording a fatal head injury caused by blunt force impact, is consistent with this version. The learned APP contends that corroboration is not required at the stage of charge, and the material collected during investigation raises a strong suspicion regarding the petitioners' involvement. Thus, it is argued that the charges have been rightly framed and warrant no interference.

6. This Court has **heard** arguments addressed on behalf of the petitioners as well as the State, and has perused the material available on record.

7. Before advertng to the facts of the present case, it shall be relevant to succinctly discuss the well-settled law on charge, since the petitioners have assailed the impugned order *vide* which charge has been framed against him. The Hon'ble Supreme Court in ***Ghulam Hassan Beigh v. Mohd. Maqbool Magrey***: (2022) 12 SCC 657, after discussing several judicial precedents, has summed up the law



regarding framing of charge as under:

“...Thus, from the aforesaid, it is evident that the trial court is enjoined with the duty to apply its mind at the time of framing of charge and should not act as a mere post office. The endorsement on the charge sheet presented by the police as it is without applying its mind and without recording brief reasons in support of its opinion is not countenanced by law. However, the material which is required to be evaluated by the Court at the time of framing charge should be the material that is produced and relied upon by the prosecution. The sifting of such material is not to be so meticulous as would render the exercise a mini-trial to find out the guilt or otherwise of the accused. All that is required at this stage is that the Court must be satisfied that the evidence collected by the prosecution is sufficient to presume that the accused has committed an offence. Even a strong suspicion would suffice...”

8. Similarly, in the case of ***Bhawna Bai v. Ghanshyam***: (2020) 2 SCC 217, the Hon’ble Supreme Court has observed as under:

“ 13. ...At the time of framing the charges, only prima facie case is to be seen; whether case is beyond reasonable doubt, is not to be seen at this stage. At the stage of framing the charge, the court has to see if there is sufficient ground for proceeding against the accused. While evaluating the materials, strict standard of proof is not required; only prima facie case against the accused is to be seen.”

9. Thus, at the stage of framing charges, the Court only needs to consider as to whether there is enough material to reflect that a *prima facie* case exists against the accused. It is also well established that if an accused files a revision petition under Sections 397/401 of Cr.P.C. against the charges, the Court should not interfere unless there are strong grounds to believe that continuing the case would be unjust or would amount to misuse of the Court's process [Ref: ***Manendra***



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Prasad Tiwari v. Amit Kumar Tiwari and Anr.: 2022 SCC OnLine SC 1057].

10. From the material placed on record, certain facts are not in dispute in the present case. The marriage of the deceased, Pooja, with the accused–petitioner, Aryan Bajpai, took place on 28.01.2011; and she passed away on 15.10.2011, after succumbing to injuries (including a fatal head injury) caused by blunt force impact following a fall from a motorcycle driven by her husband, petitioner Aryan Bajpai, on 14.10.2011, at about 09:30 PM, near Ambedkar College. The injured was taken to GTB Hospital at around 11:00 PM by co-accused Om Prakash, the father-in-law.

11. The learned Trial Court has relied on the statement of an eyewitness, Pawan Sharma, whose statement was recorded by the I.O. on 03.03.2013. He had disclosed that while driving near Ambedkar College on the night of the incident, he was following a motorcycle with a male rider and a female pillion rider who appeared to be arguing. He has categorically stated that the rider had, suddenly and forcefully, elbowed the pillion rider with his left hand, causing her to fall onto the road and sustain severe head injuries. When the eyewitness had offered help and suggested that she be taken to a nearby hospital, the rider had declined, and told him that she was his wife and that he would take care of her. Therefore, instead of taking her to the hospital as she had sustained head injuries, *which would be a natural reaction of a person*, as of the eye witness, the petitioner Aryan had allegedly refused to take help of the eye witness to take



her to the nearby hospital.

12. The statement of the eyewitness, when read with the medical evidence indicating a fatal head injury, raises a strong and grave suspicion about the involvement of the petitioner Aryan in the commission of alleged offence. The circumstances surrounding the incident also add weight to this suspicion. There was a considerable and unexplained delay in taking the injured to the hospital. Though the incident allegedly occurred at about 09:30 PM, the injured was brought to the hospital at around 11:00 PM. However, the doctor concerned had been informed that the incident took place at about 10:25 PM, which is also incorrect. Further, the absence of petitioner Aryan both from the spot, when the police reached there, and from the hospital, despite being the rider of the motorcycle and the last person with the deceased, remains unexplained. Though it was recorded in the *rukka*, that the husband had gone to take medicines, the said fact does not find support from the subsequent investigation and the chargesheet filed by the I.O., which show that the injured was brought by Om Prakash and the deceased's husband Aryan was not found there.

13. Taken together, these circumstances, including the statement of eyewitness Pawan Sharma, the unexplained absence of the husband, create a strong *prima facie* case against the petitioner.

14. As regards the petitioner's argument that the eyewitness account of Pawan Sharma lacks any independent corroboration,



requires cross-examination, and that the injuries suffered by the deceased may also be compatible with an accidental fall – these aspects do not weaken the prosecution case at the stage of framing of charge. The law does not require corroboration at this stage; it only requires material sufficient to raise a strong suspicion and justify initiation of trial against the accused. In the case at hand, the presence of an eyewitness stating that a deliberate blow was given by the petitioner Aryan to his wife (the deceased) leading to her fall from the motorcycle, along with surrounding conduct and delay in taking the victim to hospital, meets that threshold of ‘*prima facie*’ case against the accused at this stage. Further, the postmortem report noting a fatal head injury caused by blunt force impact is also consistent with the prosecution’s case and cannot be discarded at the stage of framing of charge.

15. Furthermore, the contention of the learned counsel for the petitioners that the prosecution has not identified any other eyewitnesses and that no CCTV footage has been recovered is also without any merit. In this regard, this Court is of the opinion that it is not known at this stage whether any CCTV camera was installed at or near the place of incident, or whether such footage was available for collection. Even otherwise, any alleged lapse on the part of the investigating agency does not *ipso facto* vitiate an order framing charge, particularly when there otherwise exists sufficient material in the nature of the statement of an eye-witness supported by corroborative circumstances as well as medical evidence, which



makes out a *prima facie* case against the petitioners.

16. This Court also cannot overlook the stark facts of the case. What should have been a normal motorcycle ride between a husband and wife is alleged to have turned into a moment of violence, where the husband allegedly caused the wife to fall from a moving motorcycle, suffer serious injuries, leading to her death. The seriousness of such allegations cannot be ignored by this Court.

17. Be that as it may, in the considered view of this Court, although the material on record raises a strong *prima facie* suspicion regarding the role of petitioner Aryan Bajpai in causing the fall that led to the fatal head injury, the circumstances do not, at this stage, clearly establish the ingredients necessary to frame a charge under Section 302 of IPC. The eyewitness has stated that the husband and wife were engaged in a quarrel while riding the motorcycle, and in that heated moment, the husband allegedly delivered a forceful elbow blow to the deceased. There is no material to show that this act was done with the intention to cause death or with the intention of causing such bodily injury as the accused knew was likely to cause death. The incident took place on a moving motorcycle, without any apparent premeditation, preparation, or weapon. Though the alleged act is of grave and serious nature, it appears more consistent with knowledge that such a blow, delivered during a quarrel while riding, was likely to cause a fall resulting in grievous harm, rather than a deliberate intention to kill.



18. In these circumstances, this Court is of the opinion that the material on record *prima facie* discloses the commission of an offence punishable under Section 304 of IPC (culpable homicide not amounting to murder), and not under Section 302 of IPC. *Accordingly, the charge against petitioner Aryan Bajpai is modified from Section 302 of IPC to Section 304 of IPC.*

19. **However**, this Court finds no material on record to justify the framing of a charge under Section 302/34 of IPC against Om Prakash. It is undisputed that Om Prakash was not present at the spot when the incident took place. The eyewitness's statement, which forms the primary basis for proceeding against Aryan Bajpai, attributes no role, direct or indirect, to Om Prakash. There is no statement or circumstance showing that he shared any intention with Aryan, was aware of what had transpired, or had participated in any manner in causing the injuries to the deceased.

20. The only circumstance relied upon by the learned Trial Court is that Om Prakash had taken the injured to the hospital, after a considerable delay. This, by itself, cannot be treated as an incriminating circumstance. Taking an injured family member to a hospital cannot be stretched to infer involvement in the commission of the offence. A charge for offence under Section 302 of IPC cannot be framed on the basis of what "may have happened" between 9:30 PM and 11:00 PM, in the absence of any material linking him to that period or to the incident.



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21. In these circumstances, this Court is of the view that the essential ingredients of Section 34 of IPC, i.e. common intention or participation, are completely absent. The material on record, even if taken at its highest, does not disclose any role of Om Prakash in the commission of alleged offence. *Accordingly, the petitioner Om Prakash is discharged in the present case.*

22. The impugned order is accordingly modified to the aforesaid extent.

23. The petition is disposed of in above terms.

24. Nothing expressed hereinabove shall tantamount to an expression of opinion on the merits of the case.

25. The judgment be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

DECEMBER 03, 2025/vc

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