

1. I have carefully heard arguments on point of charge.
2. Ld. Defence counsel has considered that prima facie no charge is made out against the accused persons under Section U/s 498-A/406/34 IPC & 4 D.P. Act as there is no incriminating evidence against the aforesaid accused persons and therefore, they be discharged.
3. However, Ld. APP for the State has argued that charge sheet was filed against all the accused persons and prima facie offence is made out against them and therefore, charge be framed accordingly.
4. It is well settled that at the stage of framing of charge the court has to prima facie consider whether there is sufficient ground for proceeding against the accused. The court is not required to marshal the evidence and record a finding that the materials collected by the prosecuting agency are sufficient or not for convicting the accused. If the court is satisfied that prima facie case is made out for proceeding further, then a charge has to be framed.
5. Section 406 IPC stipulates that:-

"Punishment for criminal breach of trust- whoever commits criminal breach of trust shall be punished with imprisonment of either description for a term which may extend to three , or with fine, or with both".

ATTESTED
28 JUL 1961