



IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr. Revision No. 125 of 2026

Reserved on: 10.03.2026

Date of Decision: 20.03.2026.

Robin Jeet Singh

...Petitioner

Versus

State of H.P.

...Respondent

Coram

Hon'ble Mr Justice Rakesh Kainthla, Judge.

Whether approved for reporting?¹ No

For the Petitioner : Mr Gurinder Singh Parmar,
Advocate.

For the respondent/State : Mr Jitender Sharma,
Additional Advocate General.

Rakesh Kainthla, Judge

The present revision is directed against the order dated 25.11.2025 passed by learned Special Judge, Una (learned Trial Court) vide which the charges were framed against the petitioner (accused before learned Trial Court). (*Parties shall hereinafter be referred to in the same manner as they were arrayed before the learned Trial Court for convenience.*)

¹ Whether reporters of Local Papers may be allowed to see the judgment? Yes.



2. Briefly stated, the facts giving rise to the present petition are that the police filed a charge sheet before the learned Trial Court against the accused for the commission of offences punishable under Section 67B of the Information Technology (IT) Act, 2000 and Section 21 of the Protection of Children from Sexual Offences (POCSO) Act. It was asserted that the victim was aged 14 years. The police visited her home on 05.10.2023 with the village Pradhan. They showed a video to the victim's mother (the informant) in which the accused Sandesh Dogra was found hugging the victim. The victim revealed on enquiry that she had gone to the shop of the accused on 02.10.2023 to purchase some articles. The accused gave her a toffee and took her inside the shop, where he touched her breasts. He had removed her Salwar and his pants. She did not disclose anything else. The police registered the FIR and investigated the matter. It was found during the investigation that Gaurav @ Gogi had recorded the incident when the accused was hugging the victim. He had forwarded the video to Robinjeet Singh (the present petitioner), who forwarded it to the Panchayat Pradhan. The Panchayat Pradhan informed the police about the video. The police seized the mobile phones of Gaurav Sharma, Anand @ Nandu and



Robinjeet Singh. As per the report of the analysis, the video depicting the victim's molestation was found in the data extracted from Q-1, Q-2 and Q-3. The data could not be extracted from the mobile phone Ex-1 to Ex-3. Hence, the police filed the challan and supplementary challan before the learned Trial Court.

3. The accused Gaurav @ Gogi filed an application seeking his discharge. Learned Trial Court held that the mobile phone of Gaurav @ Gogi was found damaged and no data could be extracted from it. The video was found in the memory cards, i.e., Q-1 to Q-3, produced by Pradhan, who claimed that it was sent to her by Sandeep and to Sandeep by Robinjeet Singh. Hence, accused Gaurav @ Gogi was discharged. However, the charges were ordered to be proved against Sandesh Dogra and Robinjeet Singh.

4. Being aggrieved by the order passed by the learned Trial Court, the accused Robinjeet Singh has filed the present petition asserting that the learned Trial Court erred in framing charges against him. No video was recovered from the mobile phones of Gaurav, Anand @ Nandu and the petitioner. The petitioner should not have been charged for the commission of



any offence. The learned Trial Court also did not frame any charges against Sandeep, who is alleged to have circulated the video to other persons. Therefore, it was prayed that the present petition be allowed and the order passed by the learned Trial Court be set aside.

5. I have heard Mr Gurinder Singh Parmar, learned counsel for the petitioner and Mr Jitender Sharma, learned Additional Advocate General for the respondent/State.

6. Mr Gurinder Singh Parmar, learned counsel for the petitioner, submitted that the learned Trial Court had discharged the other accused on the ground that no video was found in their mobile phones. No video was also found in the mobile phone of the petitioner, and the petitioner could not have been treated differently from the co-accused. Hence, he prayed that the present petition be allowed and the order passed by the learned Trial Court be set aside.

7. Mr Jitender Sharma, learned Additional Advocate General for the respondent/State, submitted that the petitioner was specifically named by the witnesses as the person who had forwarded the video. The learned Trial Court erred in discharging



the other accused on the basis of the fact that no video was found in the mobile phone. Therefore, he prayed that the present petition be dismissed.

10. I have given considerable thought to the submissions made at the bar and have gone through the records carefully.

11. It was laid down by the Hon'ble Supreme Court in *Vishnu Kumar Shukla v. State of U.P.*, (2023) 15 SCC 502: 2023 SCC OnLine SC 1582 that the Court framing the charges has to see a *prima facie* case. It is impermissible to examine the material threadbare to determine whether the accused is likely to be convicted or not. It was observed: -

“12. The primary consideration at the stage of framing of charge is the test of the existence of a *prima facie* case, and at this stage, the probative value of materials on record need not be gone into. This Court by referring to its earlier decisions in the *State of Maharashtra v. Som Nath Thapa*, (1996) 4 SCC 659 and the *State of MP v. Mohan Lal Soni*, (2000) 6 SCC 338 has held the nature of evaluation to be made by the court at the stage of framing of the charge is to test the existence of the *prima-facie* case. It is also held at the stage of framing of charge, the court has to form a presumptive opinion on the existence of factual ingredients constituting the offence alleged, and it is not expected to go deep into the probative value of the material on record and to check whether the material on record would certainly lead to a conviction at the conclusion of the trial.



12. It was held in *Ram Prakash Chadha v. State of U.P.*, (2024) 10 SCC 651: (2025) 1 SCC (Cri) 253: 2024 SCC OnLine SC 1709 that the Court can sift and weigh the evidence to determine if a *prima facie* case exists against the accused. It was observed at page 661:

“24. In the light of the decisions referred supra, it is thus obvious that it will be within the jurisdiction of the Court concerned to sift and weigh the evidence for the limited purpose of finding out whether or not a *prima facie* case against the accused concerned has been made out. We are of the considered view that a caution has to be sounded for the reason that the chances of going beyond the permissible jurisdiction under Section 227CrPC, and entering into the scope of power under Section 232CrPC, cannot be ruled out, as such instances are aplenty. In this context, it is relevant to refer to a decision of this Court in *Om Parkash Sharma v. CBI*, (2000) 5 SCC 679: 2000 SCC (Cri) 1014. Taking note of the language of Section 227CrPC, is in negative terminology and that the language in Section 232CrPC, is in the positive terminology and considering this distinction between the two, this Court held that it would not be open to the Court while considering an application under Section 227CrPC, to weigh the pros and cons of the evidence alleged improbability and then proceed to discharge the accused holding that the statements existing in the case therein are unreliable. It is held that doing so would be practically acting under Section 232 CrPC, even though the said stage has not been reached. In short, though it is permissible to sift and weigh the materials for the limited purpose of finding out whether or not a *prima facie* case is made out against the accused, on appreciation of the admissibility and the evidentiary value such materials brought on record by the prosecution is impermissible as it would amount to denial



of opportunity to the prosecution to prove them appropriately at the appropriate stage besides amounting to exercise of the power coupled with obligation under Section 232 CrPC, available only after taking the evidence for the prosecution and examining the accused.

13. It was held in *Yuvraj Laxmilal Kanther v. State of Maharashtra*, 2025 SCC OnLine SC 520, that the Court is not to undertake a threadbare analysis of the material but to see if there is sufficient material to frame charges. It was observed:

“16. Section 227 CrPC deals with discharge. What Section 227 CrPC contemplates is that if, upon consideration of the record of the case and the documents submitted therewith and after hearing the submissions of the accused and the prosecution in this behalf, the judge considers that there are no sufficient grounds for proceeding against the accused, he shall discharge the accused and record his reasons for doing so. At the stage of consideration of discharge, the court is not required to undertake a threadbare analysis of the materials gathered by the prosecution. All that is required to be seen at this stage is that there are sufficient grounds to proceed against the accused. In other words, the materials should be sufficient to enable the court to initiate a criminal trial against the accused. It may be so that at the end of the trial, the accused may still be acquitted. At the stage of discharge, the court is only required to consider whether there are sufficient materials that can justify the launch of a criminal trial against the accused. By its very nature, a discharge is at a higher pedestal than an acquittal. Acquittal is at the end of the trial process, may be for a technicality or on the benefit of doubt, or the prosecution could not prove the charge against the accused; but when an accused is discharged, it means that there are no materials to justify the launch of a criminal trial against the accused. Once he is discharged, he is no longer an accused.”



14. The present petition has to be adjudicated as per the parameters laid down by the Hon'ble Supreme Court.

15. It was specifically mentioned in the charge sheet filed by the police that Gaurav @ Gogi had recorded the video of the victim's molestation and forwarded it to the petitioner Robinjeet Singh. Robinjeet Singh had forwarded the video to Pradhan, who produced it before the police. Therefore, there exists sufficient material to connect the petitioner to the commission of the crime. It was laid down by the Hon'ble Supreme Court in *Tuhin Kumar Biswas v. State of W.B., 2025 SCC OnLine SC 2604* that a grave suspicion at the time of framing of charges is sufficient to frame the charge. Thus, the mere fact that the statement of Pradhan is not corroborated by the recovery of the video in the mobile phone will not help the petitioner. It is a question of the appreciation of evidence whether the statement of Pradhan can be relied upon or not. Further, her mobile phone can still be examined to corroborate her testimony that the video was forwarded to her by the present petitioner. Thus, the learned Trial Court had rightly ordered the framing of charges against the petitioner. Nothing is required to be said about the discharge of the other accused because they are not before the Court.



16. Thus, there is no infirmity in the order passed by the learned Trial Court. Hence, the present petition fails, and it is dismissed.

17. The observation made herein before shall remain confined to the disposal of the petition and will have no bearing, whatsoever, on the merits of the case.

(Rakesh Kainthla)
Judge

20th March, 2026
(Nikita)