

IN THE COURT OF ADDL. CHIEF JUDICIAL MAGISTRATE- 04,  
ROUSE AVENUE DISTRICT COURTS, NEW DELHI  
Presided by: Ashwani Panwar, D.J.S.

CNR No.DLCT12-000178-2025

Cr. Case No.14/2025

FIR No. 80/2024

U/s 132/221/223(a)/285 BNS

PS: Parliament Street

State v. Alka Lamba

19.12.2025

ORDER ON CHARGE

1. Vide this order, this court shall decide as to whether the accused namely, Alka Lamba (hereinafter referred to as 'accused') be charged under **Sections 132/221/223(a)/285 of the Bhartiya Nyaya Sanhita, 2023** (hereinafter referred to as "BNS") and adjudicate upon the application filed u/s 281 of **Bhartiya Nyaya Suraksha Sanhita, 2023** (hereinafter referred to as "BNSS") moved on behalf of the accused.

2. In brief, the case of the prosecution is that on 29.07.2024, PSI Anita Singh was on emergency duty when HC Manish (Belt no. 1880/ND), came to the police station and got his statement recorded that, on the aforesaid date, his duty was at Jantar Mantar protest site where Smt. Neetu, National Women President Congress, had called for protest in support of the issue of Women Reservation and that the accused was the main speaker. It was also stated that 2-3 other protests were also being organized and all were informed that Order under Section 163 Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as 'BNSS') has been promulgated outside the protest site i.e., Jantar Mantar Road. Furthermore, the complainant stated that at about 1:30 PM, Alka Lamba alongwith other

protesters came to the barricades towards the Tolstoy Road and started raising slogans, being adamant to “*gherao*” (surround/siege) the Parliament. That the Senior Police Officials employed loud hailers to warn the protesters about the imposition of Section 163 BNSS and requested to end their protest, however the protesters, on being instigated by the accused, were adamant to march towards the Parliament for “*gherao*” (surround/siege).

3. It is further stated that the accused and the protesters pushed the female and male police officials, jumped the barricades and some of them even blocked the road opposite Free Church by lying on the main road which hindered public's right of way. It is also mentioned that despite repeated explanations, accused and the protesters did not listen and thus, were detained.

4. The ~~complaint~~, which disclosed about the commission of cognizable offence, was reduced into writing and the present FIR was registered and investigation had been conducted. Investigation revealed that Order dated 14.05.2024, under Section 163 BNSS was issued vide No. 3401-3525/R-ACP/Pt. Street by ACP, Sub-Division Parliament Street, New Delhi District. Site plan was prepared and videos of the whole incident were collected from the Photo Cell Section of Jantar Mantar on 29.07.2024. It was also revealed during investigation that Ms. Neetu Verma Soni wrote a letter as General Secretary, All India Mahila Congress on 11.07.2024 and 23.07.2024, seeking permission to have a protest at Jantar Mantar. The said letter with other documents is at page 21 to 33 of the police report. It has also been stated in the police report (at page 34) that rejection of request to siege parliament house was informed vide letter dated 24.07.2024 by the senior officers. Nevertheless, the accused came at Jantar Mantar along with

other women for the protest without permission. On 05.03.2025, the accused was served with a notice under Section 35(3) BNSS through her staff while she was on a video call and she authorized her staff to receive the said notice. Further, she undertook to appear before the Court as and when summoned. The complaint dated 14.04.2025, under Section 215 BNSS from ACP, Sub-Division Parliament Street is also annexed with the police report since the offence involved Section 221 and 223(a) of the BNS.

## **ARGUMENTS**

5. The prosecution submits that the accused, despite being informed that order dated 01.07.2024, u/s 163 of BNSS had been promulgated outside the protest site i.e., Jantar Mantar Road, came alongwith her supporters and started marching towards the Parliament House by raising slogans of Woman Reservation. That the accused alongwith her supporters moved to the barricades towards the Tolstoy Road and started raising slogans being adamant to “*Gheroa*” (surround/siege) the Parliament. The accused and her supporters were warned to end the protest, however, in vain and the protest continued. That during the protest, the accused obstructed the police officials who were performing their duty and pushed the female as well as the male police officials at the place/site where the alleged incident occurred. That the accused and her supporters jumped the barricades by pushing the police officials and even blocked the road, opposite Free Church and obstructed the public way. The prosecution thus, submits that the acts committed by accused constitute grave offences, including obstructing the public servant in discharge of public functions (Sec. 221 of the BNS), assault or criminal force to deter public servant from discharge of his duty (Sec. 132 of the BNS), danger/obstruction in the public

way (Sec.285 of the BNS) and disobedience to the order duly promulgated by public servant (Sec.223 (a) of the BNS) and accordingly, it is prayed that the charges be framed under the appropriate provisions.

6. The defence, represented by Advocate Sh. Imran Ali, argued that in the matter at hand, no offenses are made out against the accused and pressed the application u/s 281 BNS seeking termination of proceedings/discharge of the accused on the following grounds :-

- a) That the accused persons were holding peaceful/lawful protest within the exempted zone of Jantar Mantar at the designated area where assemblies are expressly permitted even during the operation of Sec. 163 of the BNSS.
- b) That there are no independent witnesses to support the claim of prosecution and all the witnesses are police officials.
- c) That the video recording relied upon does not support the case of the prosecution.
- d) That the site plan filed on record does not show the placement or existence of any such barricades.
- e) That all the videos show protesters standing/sitting peacefully between two barricades in a confined non-public area and no public road was ever blocked by the protesters, especially by the accused.
- f) That no video shows the accused pushing or assaulting any police official.
- g) That no MLC or injury report has been filed on record.

7. Thus, in summation, the accused argues that the case of the prosecution is not maintainable as none of the offenses as alleged by the prosecution are made out in the present matter.

8. The submissions on the point of charge have been heard from both the sides and record has been perused.

9. It is the settled law that at the stage of charge, after having taken into consideration the entire record and the evidence sought to be produced by the prosecution, where two views are possible, the view favoring the prosecution ought to be adopted. The prosecution cannot be denied an opportunity to prove its case. It is also a settled law that the material placed on record by the prosecution cannot be scrutinized to the extent of causing a mini trial at the stage of decision on charge itself.

10. In this context, it is relevant to refer to the case titled as *M.E. Shivalingamurthy Vs. Central Bureau of Investigation, Bengaluru (Criminal Appeal No. 957 of 2017)* wherein the Hon'ble Supreme court of India has held :

- i. If two views are possible and one of them gives rise to suspicion only as distinguished from grave suspicion, the Trial Judge would be empowered to discharge the accused.*
- ii. The Trial Judge is not a mere Post Office to frame the charge at the instance of the prosecution.*
- iii. The Judge has merely to sift the evidence in order to find out whether or not there is sufficient ground for proceeding. Evidence would consist of the statements recorded by the Police or the documents produced before the Court.*
- iv. If the evidence, which the Prosecutor proposes to adduce to prove the guilt of the accused, even if fully accepted before it is challenged in cross-examination or rebutted by the defence evidence, if any, “cannot show that the accused committed offence, then, there will be no sufficient ground for proceeding with the trial”.*
- v. It is open to the accused to explain away the materials giving rise to the grave suspicion.*

*vi. The court has to consider the broad probabilities, the total effect of the evidence and the documents produced before the court, any basic infirmities appearing in the case and so on. This, however, would not entitle the court to make a roving inquiry into the pros and cons.*

*vii. At the time of framing of the charges, the probative value of the material on record cannot be gone into, and the material brought on record by the prosecution, has to be accepted as true.*

*viii. There must exist some materials for entertaining the strong suspicion which can form the basis for drawing up a charge and refusing to discharge the accused.*

11. As has been observed by the Hon'ble Higher Courts, the documents/statements/evidence produced by the prosecution must be considered in totality and at the time of framing of the charges, the probative value of the material on record cannot be gone into, and the material brought on record by the prosecution, has to be accepted as true.

12. Before proceeding further, it is necessary to mention the necessary provisions of BNS invoked by the prosecution in the present matter. The same are as follows:

- Section 132 – Assault or criminal force to deter public servant from discharge of his duty.
- Section 221 – Obstructing the public servant in the discharge of public functions.
- Section 223(a) – Disobedience to the order duly promulgated by public servant.
- Section 285 – Danger/obstruction in the public way or line of navigation.

## **COURT ANALYSIS AND FINDINGS**

13. While hearing arguments on point of charge, the videos relied upon by the prosecution were played before the open court. Perusal of the said videos reveals that the accused alongwith her supporters was present at the place where the incident in question took place. The accused could be seen pushing the police officials present at the spot. The accused jumped the first as well as the second barricade and thereafter, she vanished into thin air leaving the other protesters in the lurch. The videos bearing serial no. 437 and 442 clearly show that the accused was instigating the other protesters also to jump the barricades by hand signs/ gestures to which she eventually succeeded. In fact, she was the first to lead the protestors to jump from the first line of barricade. The act of the accused clearly shows that the police officials were obstructed in performing their duties, the officials were pushed before jumping the barricades during the protest showing use of criminal force and assault. There was a specific promulgation u/s 163 of BNSS prohibiting the protest. After jumping the first line of barricades, the accused can again be seen leading the protestors to push the women police officers forming a chain. The accused with other protestors, then reached the second line of barricade and attempted to push the same. When the attempt was thwarted, the accused with the other protestors, lied on the road/ public way. The accused with numerous other protestors, can be seen lying on the road/public way for quite a while. She then stood up, could be seen talking to a senior public official and then, after a brief conversation with other protestors, she hurried towards a corner of second line of barricade, and successfully jumped the same to reach the main Tolstoy Road. The video bearing serial no. 442 captures all these sequence of events and in the same video, the accused vanished after reaching Tolstoy Road leaving the

protesters clueless. In subsequent videos, the police is seen peacefully detaining the remaining protesters, after they were free from the accused's instigation.

14. The perusal of statement of the complainant as well as that of the other police officials recorded under Section 161 Cr.PC indicates that the accused was present at the place of incident, had been instrumental in leading the demonstrators out of the permissible area of protest, used criminal force and assaulted the police officers on duty while willfully disobeying order duly promulgated by a public servant. Such disobedience in the present facts and circumstances of the case as seen from the police report, also caused obstruction to road/ public way, annoyance to the public as well as police officers on duty and injury to the police officers present at the spot. The actions of the accused also caused danger to life, health and safety of peaceful demonstrators and public servants alike.

15. Thus, guided by the settled proposition of law, that at the stage of framing of charge the Court is not required to assess the sufficiency of evidence for conviction but, merely to see whether there is *prima facie* material raising grave suspicion against the accused. Thus, in the present case, the statement of the complainant and other police officials clearly disclose grave suspicion against the accused and the defences raised by the accused are to be dealt with at the stage of trial.

## CONCLUSION

16. In view of the above discussion, this court is of the considered opinion that there exists a *prima facie* case against the accused namely, **Alka Lamba** for the commission of offences punishable under Sections 132/221/223(a)/285 BNS. Accordingly, the charge is directed to be framed

against the accused under the above-mentioned provisions. Application moved on behalf of the accused seeking discharge/termination of the proceedings stands dismissed and disposed in view of the reasons aforementioned.

Announced in open court  
on 19.12.2025

(ASHWANI PANWAR)  
ACJM-04/RACC, New Delhi