
(2015) 02 JH CK 0184

In the Jharkhand High Court

Case No : Criminal Revision No. 1261 of 2014

Bhagwan Das Manjhi

APPELLANT

Vs

The State of Jharkhand and Others

RESPONDENT

Date of Decision : 02-02-2015

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 227
Penal Code, 1860 (IPC) — Section 498-A

Citation : (2015) 3 JLJR 67

Hon'ble Judges : Amitav Kumar Gupta, J

Bench : Single Bench

Advocate : Lokeshwari Banerjee, for the Appellant; Sanjay Kumar Pandey, Advocates for the Respondent

Final Decision : Disposed off

Judgement

Amitav Kumar Gupta, J—This revision is directed against the order dated 25.11.2014 passed by learned Sub-Divisional Judicial Magistrate, Bokaro in G.R. Case No. 543 of 2013 arising out of Balidih P.S. Case No. 45 of 2013 under Section 227 of the Cr.P.C. for discharge from the offence under Section 498-A of the I.P.C. of the petitioner has been rejected. Learned counsel for the petitioner has submitted that the learned trial Court has rejected the prayer for discharge, without assigning any reasons or appreciating the material evidence on record or in the case diary. That none of the witnesses have alleged regarding torture, cruelty or demand of unlawful money against this petitioner and on the same set of evidence mother-in-law has been discharged.

2. Mr. Sanjay Kr. Pandey, learned A.P.P. has submitted that the trial Court has appreciated the materials on record and found that a prima facie case is made out against this petitioner.

3. Heard. Perused the impugned order. It is well settled that at the time of framing of charge meticulous examination of evidence is not required, however, the evidence can be sifted or weighed at least for the purpose of recording a

satisfaction that a prima facie case is made out for framing charge to proceed in the case. In the instant case apparently the court has recorded "it appears sufficient prima facie material against the accused in the case diary to frame charge for proper trial of this case" thereby rejecting the application.

4. Apparently it is a non-speaking order. The trial Court is not required to discuss the evidence for the purpose of conducting a trial but the discussion of the materials on record is required to reflect the application of judicial mind for finding that a prima facie case is made out against the petitioner, which is lacking in the instant case, hence, the impugned order is hereby set aside and the matter is remitted to the court below to pass a reasoned and speaking order after giving an opportunity of hearing to both the parties. With the said observation and direction this revision stands disposed of.