
(2011) 08 RAJ CK 0070

In the Rajasthan High Court

Case No : Criminal Miscellaneous Petition No. 957 of 2009

Bhagwana Ram and Others

APPELLANT

Vs

Bhera Ram

RESPONDENT

Date of Decision : 11-08-2011

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 202, 482
Penal Code, 1860 (IPC) — Section 120

Citation : (2011) 08 RAJ CK 0070

Hon'ble Judges : Gopal Krishan Vyas, J

Bench : Single Bench

Judgement

Gopal Krishan Vyas, J.—This misc. petition was filed on 25.05.2009. For the first time when the matter was listed in the Court on 28.05.2009, counsel for the Petitioners took adjournment. Thereafter, on various dates, the matter was listed in the Court, but counsel for the Petitioners took time to argue the matter and, on some other dates, the matter was adjourned due to nonappearance of counsel for the Petitioners.

2. In this misc. petition filed u/s 482 Code of Criminal Procedure, the Petitioners are challenging the order dated 15.03.2008 passed by the Judicial Magistrate (First Class), Abu Road in Criminal Complain Case No. 14/2008, whereby, learned Magistrate took cognizance against Petitioners Bhabuta, Smt. Bhikhi, Karmi, Sarupa, Tola Ram, Mega Ram, Heera Ram and Ramji for offence u/s 120-B Indian Penal Code and against Petitioner Bhagwana Ram for offence under Sections 497 and 120-B Indian Penal Code and against Rakma for offences under Sections 494 and 120-B Indian Penal Code.

3. Further, the Petitioners prayed for quashing the order dated 04.05.2009 passed by the Additional Sessions Judge, Abu Road in Criminal Revision No. 21/2008, whereby, the order passed by the Magistrate was upheld by the revisional court.

4. I have perused the order dated 15.03.2008 passed by the trial court for taking

cognizance against the Petitioners.

5. According to the facts, the complainant Bhera Ram filed a complaint against the Petitioners for commission of offences under Sections 494, 497, 504 and 120-B Indian Penal Code. In support of his complaint, the evidence u/s 202 Code of Criminal Procedure was recorded and after taking into consideration entire material on record, the learned trial court took cognizance against the Petitioners.

6. In my opinion, the cognizance taken by the trial court is just and proper because there is ample evidence against the Petitioners.

7. The order passed by the trial court for taking cognizance against the Petitioner was further challenged by way of filing revision petition and in the revision petition, learned revisional court upheld the order of taking cognizance for the reason that there is material evidence on record to proceed against the Petitioners.

8. In this view of the matter, I am of the opinion that the findings given by both the courts below do not require any interference. Hence, this misc. petition filed u/s 482 Cr.p.C. is hereby dismissed. However, the Petitioners will be at liberty to raise their grounds before the trial court at the time of framing charges.

9. Record of this case may be sent back to the trial court for the purpose of trial forthwith.