
(1991) 02 RAJ CK 0014

In the Rajasthan High Court

Case No : Criminal Miscellaneous Petition No. 31 of 1991

Gurjant Singh and Others

APPELLANT

Vs

The State of Rajasthan

RESPONDENT

Date of Decision : 07-02-1991

Acts Referred:

Arms Act, 1959 — Section 27

Criminal Procedure Code, 1973 (CrPC) — Section 482

Penal Code, 1860 (IPC) — Section 143, 147, 148, 149, 323

Citation : (1991) WLN 69

Hon'ble Judges : B.R. Arora, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

B.R. Arora, J.—This miscellaneous petition is directed against the order dated October 8, 1990, passed by the Munsif and Judicial Magistrate, Sadulsahar, by which the learned Magistrate framed the charges against the petitioners under Sections 148, 452, 323, 325/149 IPC.

2. Jagroop Singh, on April 19, 1987, lodged a First Information Report at Police Station, Sadulsahar (district Sri Ganganagar) against Gurjant Singh, Hakam Singh and Lala Ram and ten-fifteen other persons. It was alleged in the report that he is a tenant in shop No. 23 for the last three years and the shop belongs to Rewat Ram. He is paying rent to Rewat Ram, but he is not giving any receipt and wanted to get the shop vacated. Today, at about 12.30 p.m., when he was sitting in his shop alongwith Basant Singh, Dooda Singh and Hakam, at that time, accused Rewat Ram, Mangi Lal and Saheb Ram alongwith ten-fifteen other persons out of whom four were armed with 12 bore guns, two were armed with 12 bore pistols and the remaining were carrying lathis, Gandasi etc., came in a jeep, entered in the shop and gave beatings to him and by making fire, threatened the other persons not to interfere; threw the goods out of the shop and took away Rs. 1000/- in cash and one cash box. The police registered the

case under Sections 382, 448, 323, 147, 148, 149 and 336 IPC and Section 27 of the Indian Arms Act. The police after necessary investigation, presented the challan against the accused Om Prakash, Harji Ram, Rewat Ram, Gurjant Singh, Hakam Singh and Lala Ram. The learned Magistrate, therefore, after giving an opportunity of hearing to the accused persons, by his order dated October 8, 1990, framed the charges under Sections 148, 452, 323 and 325/149 IPC, against the accused-petitioners. It is against this order that the present petition u/s 482 Cr.P.C. has been filed.

3. I have heard the learned Counsel for the petitioners and the learned Public Prosecutor.

4. It is contended by the learned Counsel for the petitioners that the names of the petitioners do not find place in the First Information Report and no witness except Kishan Lal, implicates the petitioners, who was examined after sometime and his last contention is that the ingredients of the charges framed against the petitioners are not complete. He, therefore, prayed that the order dated October 8, 1990, passed by the learned Magistrate, framing the charges against the petitioners may be quashed. The learned Public Prosecutor, on the other hand, has supported the order framing the charges against the petitioners, passed by the learned Magistrate.

5. I have considered the rival submissions made by the learned Counsel for the parties and perused the record of the case.

6. At the out-set, I may mention that so far as the accused Gurjant Singh and Lala Ram are concerned, identification parade was held and they were identified by the complainant. Regarding Hakam Singh, suffice it to say that he was personally known to the witnesses and in his statement the complainant has named him and, therefore, his identification was not required. So far as the question of not naming-out these accused persons in the First Information Report is concerned, suffice it to say that in the FIR the complainant has specifically stated that accused Rewat Ram, Mangi Lal and Saheb Ram alongwith ten-fifteen other persons entered in the shop and gave beatings and took away the goods and cash from the shop and they were armed with deadly weapons like guns, pistols and lathis etc. After a careful reading of all the evidence, placed on record by the parties, I am of the view that prima facie a case for framing the charges against the petitioners for the offences mentioned above, has been made out. At the time of framing the charges, one has to simply see the broad aspect of the case and the close scrutiny of the evidence is not required to be made at this stage. Even a strong suspicion at this stage is sufficient to frame a charge against the accused. It is not expected that this Court, while exercising its powers u/s 482 Cr.P.C. should proceed to discuss all sets of evidence available on record to see whether the evidence constitutes the offence because if that will be done, then it may prejudice the case of the accused-petitioners themselves and that will amount to discharging the functions of the trial Court. By evaluating the evidence on record, I am simply to satisfy myself whether prima facie there is

some materials existing on the record which justify the framing of the charges against the petitioners and after a careful consideration of the evidence on record, I am of the view that there are sufficient materials on record, on the basis of which the charges Sections 143, 452, 323, 325/149 IPC can be framed against the accused-petitioners.

7. In this view of the matter, the learned Munsif and Judicial Magistrate, Sadulsahar, has not committed by illegality in framing the charges against the accused-petitioners.

8. Consequently, this miscellaneous petition, filed by the petitioners, has got no force and is hereby dismissed.