
(2010) 03 RAJ CK 0045
In the Rajasthan High Court

Hafiz Basheer Ahmed and Others

APPELLANT

Vs

State of Rajasthan

RESPONDENT

Date of Decision : 10-03-2010

Acts Referred:

Penal Code, 1860 (IPC) — Section 147, 148, 149, 307, 323

Citation : (2010) 2 WLN 284

Hon'ble Judges : Mahesh Bhagwati, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Mahesh Bhagwati, J.—Challenge in this criminal revision petition is to the order dated 20 January, 2010 passed by the Additional Sessions Judge, Deedwana, District Nagaur, whereby the learned Additional Sessions Judge found that the offences under Sections 147/148, 307, 325, 324, 323 read with Section 149 of Indian Penal Code were prima-facie made out and ordered to frame charge against the accused revisionists No. 1 to 9 accordingly.

2. Heard the learned Counsel for the revisionists, learned PP appearing for the State as also the learned Counsel for the complainant and carefully scanned the relevant material on record.

3. Learned Counsel for the revisionists canvassed that none of the injured persons namely Mohd. Yusuf and Mohd. Farooq sustained any grievous injury on the vital part of their body. The injuries on right side of parietal region of Mohd. Yusuf and an injury on left temporo parietal region of Mohd. Farooq have been found to be simple in nature. None of the injuries has been described to be dangerous to life and thus, no offence u/s 307 of Indian Penal Code was made out as none of the injuries was sufficient to cause their death. The nature of injuries sustained by both the injured persons are simple in nature, hence the offence does not travel beyond 325 of Indian Penal Code.

4. E Converso, the learned Counsel for the complainant as also the learned PP

appearing for the state contended that the size of the lacerated wound caused on the right side of parietal region of injured Mohd. Yusuf was 11 Cm. x 2 Cm x bone deep and this injury was actively bleeding at the time of examination. Similarly, the lacerated wound on left temporo parietal region of Mohd. Farooq was "V shaped and of the size of 15Cm.* 7Cm.* bone deep. This injury was also flap rotated and profusely bleeding. Mohd. Farooq is also found to have sustained one incised wound on above right eye transversely. These injuries evince that the accused had used sharp edged weapon also. They assaulted upon the skull of both the injured persons resulting into large size of injuries. Albeit, the same were not found to be grievous in nature, but the intention to cause injuries on the vital part of the body cannot be ignored at the stage of framing of charge. Thus, impugned order warrants no interference.

5. Having ruminated over the submissions made at the bar and carefully scanned the relevant material, it is pertinent to mention that the learned trial court is not required to record his reasons for framing charge in the alleged offences. If after consideration and hearing the parties, the Judge is of the opinion that there are grounds for presuming that the accused had committed an offence, which is exclusively triable by the court of Sessions, he shall frame a charge in writing against him. The trial Court is not required to write detailed and reasoned order at interlocutory stage such as framing charge.

6. It has been consistently held by the Hon'ble Apex court in umpteen cases that the order of framing charge usually should not be interfered with by the High Courts in routine manner. In the instant case, the learned trial Judge found sufficient evidence on record and there were grounds to presume that the accused revisionists committed an offence u/s 307 of Indian Penal Code as the injuries on the vital part such as skull and other parts of the body of Mohd. Yusuf and Mohd. Farooq were found to have been caused by the blunt and sharp edged weapons by the accused revisionists.

7. The impugned order is perfectly just and proper and suffers from no infirmity and to my view too, it warrants no intervention.

8. For the reasons stated above, the criminal revision petition being bereft of merits, stands dismissed.