
(1997) 09 RAJ CK 0035

In the Rajasthan High Court

Case No : Criminal Revision Petition No. 253 of 1997

Jagdish Singh

APPELLANT

Vs

State of Rajasthan

RESPONDENT

Date of Decision : 02-09-1997

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 164
Penal Code, 1860 (IPC) — Section 120B, 164, 307, 326, 354

Citation : (1998) CriLJ 718

Hon'ble Judges : Pana Chand Jain, J

Bench : Single Bench

Advocate : K.S. Rathore, for the Appellant; D.R. Bohra, Public Prosecutor, for the Respondent

Final Decision : Dismissed

Judgement

P.C. Jain, J.—This revision petition is directed against the order dated 10-3-1997 passed by the learned Addl. Sessions Judge, Bali whereby he framed the charges against the accused-petitioner for the offences under Sections 307 and 326 read with Section 120B, I.P.C. in sessions case No. 40 of 1996.

2. For appreciating the background of the case, the learned counsel submitted that at the relevant time the petitioner was posted in Govt. Community Health Centre, Takhatgarh District Pali and was residing with his family in the Govt. Quarter situated within the campus of the Hospital. Dr. S.P. Purohit, Dr. Jitendra Choudhary and Dr. (Mrs.) Sobha were also posted in the said Hospital. On account of the roaring practice of the petitioner, relations between petitioner and two other private practitioners viz., Dr. Rama Shanker Awasthi and Dr. Chandan Gandhi became strained because their clientage was adversely affected and they were on the look out for taking revenge on the petitioner. Dr. R.S. Awasthi used to manipulate serious and false complaints against the petitioner mostly involving alleged outraging of the modesty of women. The first false charge of this nature against the petitioner was got levelled by Dr. R.S. Awasthi from one Smt. Manjoo

Devi wife of Thanaram Lohar of Takhatgarh. That complaint was subsequently withdrawn by her husband by addressing a letter to the Vice President of Bhartiya Janta Party, Takhatgarh. Since the above complaint did not yield any result, Dr. Awasthi managed another false complaint by one Bhanwari Devi wife of Parasmal. That lady patient consulted the petitioner regarding her abdominal pain. The false charge alleged against the petitioner by that lady patient was that he outraged her modesty. It was master minded by Dr. Awasthi and he also made a wide publicity of this false charge. On account of wide publicity of these false charges, a large mob assembled before the house of the petitioner and started shouting slongans, pelted stones hitting doors of the main gate of the quarter. The cooler was broken and even the petitioner's Maruti Car was put ablaze, various other articles belonging to the petitioner were also destroyed. On this, the petitioner lodged a criminal complaint upon which a case was registered and challan has also been filed. However, on the complaint of Bhanwari Devi, a case u/s 354, I.P.C. was also filed against the petitioner.

3. The incident in question occurred during the night intervening 19-6-1996 and 20-6-1996 when Dr. S.P. Purohit was beaten by some unknown assailants. The petitioner was so journeying at Jaipur awaiting his posting orders. He remained there from 16-6-1996 to 22-6-1996. The above assailants who attacked Dr. S .P. Purohit came on a motorcycle in the Hospital and rang the bell of Dr. S.P. Purohit's house. When he opened the door, one of the assailants suddenly took out the knife and stabbed Dr. S.P. Purohit in the abdomen. Thereafter, all the three ran away on the motor cycle. It was with the luck and immediate medical help, the life of Dr. S.P. Purohit could be saved. A FIR of this occurrence was lodged at Police Station, Takhatgarh.

4. The statement of Dr. S.P. Purohit was recorded and he showed his suspicion on the petitioner. However, Dr. S.P. Purohit did not name out any assailants. The statement of Mrs. S.P. Purohit was also recorded and she also could not identify the assailants. However, one Satyanarain disclosed the names of the accused-persons Jagdish Singh son of Mahsaram and Jugalkishore son of Mansaram, who are brothers-in-law of the petitioner and one Ratansingh. The statement of Satyanarain was recorded u/s 164, Cr.P.C. Dr. Jitendra Kumar was also examined to prove the professional rivalry existing between Dr. S.P. Purohit and the petitioner. The petitioner has been roped in the above incident with the help of Section 120B, I.P.C.

5. I have heard the learned counsel appearing for the petitioner and the learned Public Prosecutor for the State and have very carefully gone through the record of the case.

6. Learned counsel for the petitioner has contended that here is nothing on record to suggest that the petitioner was directly or indirectly involved in the above incident on the basis of conspiracy. Professional rivalry can be a presumptive evidence of the bad relations between the two but it cannot be the motive for indulging in such violent acts. Charges have been framed against the

petitioner only on the basis of the strong suspicion. A suspicion may be strong but it cannot furnish even prima facie evidence for framing the charges against the petitioner.

7. On the other hand, the learned Public Prosecutor appearing for the State has supported the impugned order.

8. I have very carefully gone through the record and also the impugned order. In para 5 of his impugned order, the learned Addl. Sessions Judge has stated that from the statements of Dr. S.P. Purohit and his wife Uma Devi, it is clear that accused Jagdish Singh gave a telephonic threatening to the wife of the injured 2-3 days before this incident. There was a telephonic call at 11.30 p.m. just about an hour before this murderous assault made on the life of Dr. S.P. Purohit. It is also on record that Dr. S.P. Purohit often cautioned and warned the petitioner to be very careful and discreet while treating female patients. The involvement of the brothers-in-law and brother of accused-petitioner Jagdish Singh is also suggestive of a very strong circumstance against the petitioner. Under these circumstances, the learned Addl. Sessions Judge felt persuaded to frame a charge u/s 120B, I.P.C. along with other offences against the petitioner. This is a revision petition. The learned Addl. Sessions Judge has passed the impugned order after referring the evidence and circumstances relating to the point whether a prima facie case is made out against the petitioner or not. After taking into consideration various circumstances and the evidence on record, the learned Addl. Sessions Judge formed a particular opinion which cannot be said to be erroneous, perverse or arbitrary.

9. I, therefore, feel not inclined to disturb the findings recorded by the learned lower Court.

10. For the above reasons, I find no substance in this revision petition and it is hereby dismissed.