
(2011) 04 RAJ CK 0036

In the Rajasthan High Court

Case No : Criminal Revision Petition No. 414 of 2011

Jai Prakash @ Sunny and Another

APPELLANT

Vs

State of Rajasthan and Another

RESPONDENT

Date of Decision : 23-04-2011

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 397
Penal Code, 1860 (IPC) — Section 307, 324, 498A

Citation : (2011) 04 RAJ CK 0036

Hon'ble Judges : Raghvendra S. Chauhan, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

R.S. Chauhan, J.—Aggrieved by the order dated 21.02.2011, passed by the learned Additional Sessions Judge (Fast Track) No. 1, Ajmer, whereby the learned Judge has framed the charges for offences under Sections 498A, 307 and 324 IPC against the Petitioners, the Petitioners have approached this Court.

2. The brief facts of the case are that on 21.09.2010, on the basis of the Parchabayan of Smt. Deepa, a FIR, FIR No. 132/2010 was registered at Mahila Police Station Ajmer for the aforementioned offences. In her Parchabayan, she has clearly stated that she was married to Petitioner No. 1, Jai Prakash @ Sunny on 22.02.2008. Ever since her marriage, she has been subjected to physical and mental cruelty both by her husband and by her mother-in-law, Smt. Sushila Devi. She further claimed that on the fateful day, while she was informing her parents about the fact that she has been assaulted by the husband, the Petitioners snatched the telephone and tried to hang her. However, with the interception of her parents, she was saved. After a thorough investigation, the police submitted a charge-sheet for the aforementioned offence. Vide order dated 21.02.2011, the learned Judge framed the charges for the aforementioned offences. Hence, this petition before this Court.

3. Mr. Ashvin Garg, the learned Counsel for the Petitioners, has vehemently

contended that the statement given by the complainant is a false statement as it is unlikely that at the very moment when she was hanged by the Petitioners, suddenly her parents would come and save her. Moreover, according to the injury report and according to the x-ray report, injury No. 1, which is a ligature mark on the neck of the complainant, is a simple one. Therefore, no offence u/s 307 IPC is made out. Hence, the charge for offence u/s 307 IPC is highly misplaced.

4. Heard the learned Counsel and perused the impugned order as well as the charge-sheet.

5. It is, indeed, a settled position of law that the jurisdiction of the courts u/s 397 Code of Criminal Procedure, while dealing with a charge-sheet, is a limited one. After all, at the time of framing of the charges, the learned trial court is concerned only to see if a strong prima facie case is made out against the accused-person or not. At the time of framing of the charges, the learned Judge cannot go into meticulous examination of the evidence produced by the prosecution. In the present case, although the learned Counsel has pleaded that the story narrated by the complainant is a false one, but the falsity or truthfulness of the story can only be adjudged after a full-fledged trial. It is too early in the day to accept the said contention.

6. Secondly, whether it is a case of suicide or an attempt to commit murder, again this issue has to be deciphered after going through the entire evidence. Suffice to say it that considering the statement of the complainant, prima facie evidence does exist that offence u/s 307 IPC was committed. At the time of framing of a charge, for offence u/s 307 IPC, what the court is concerned about is to see if an act was committed with an intention or knowledge under such circumstances that by such an act death would be caused, or not? According to the complainant, the Petitioners had tried to hang her, but luckily she was saved. Therefore, prima facie the offence u/s 307 IPC is certainly made out.

7. Hence, this Court does not find any illegality or perversity in the impugned order. This petition, being devoid of any merit is, hereby, dismissed.