
(2013) 08 KAR CK 0133

In the Karnataka High Court

Case No : Criminal Revision Petition No. 792 of 2010

K. Ranganath, Mrs. Sreemathi Paresh and Paresh Master

APPELLANT

Vs

State of Karnataka and Smt. Sunanda

RESPONDENT

Date of Decision : 08-08-2013

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 239

Dowry Prohibition Act, 1961 — Section 3, 4

Penal Code, 1860 (IPC) — Section 498-A

Citation : (2013) 08 KAR CK 0133

Hon'ble Judges : B.V. Pinto, J

Bench : Single Bench

Advocate : Kesthur N. Chendra Shekher, for the Appellant; S. Dore Raju, SPP for R2 and Sri. B. Rajasubramanya Bhat, HCGP for R1, for the Respondent

Final Decision : Dismissed

Judgement

B.V. Pinto, J.—The petitioners are challenging the order passed u/s 239 of Cr.P.C., wherein the learned Magistrate has rejected the application filed for discharge u/s 239 of Cr.P.C. It is admitted that the learned Magistrate has decided to frame the charge against the accused. When once the learned Magistrate makes up the mind to frame the charge, the revisional Court will not delve into the merits of the case again. The Supreme Court in the case of Onkar Nath Mishra and Others Vs. State (NCT of Delhi) and Another, has held-at that stage the Court is not expected to go deep into the probative value of the material on record-The Court has to form a presumptive opinion as to existence of factual ingredients constituting the offence alleged. It is also held by the Supreme Court in the case of Hem Chand Vs. State of Jharkhand, that the Court at the stage of framing of charge exercises a limited jurisdiction-At that stage, it would not weigh the evidence-It would only see whether a prima facie case is made out-Whether a case of probable conviction for commission of an offence is made out on the basis of the materials found during investigation should be its concern-It, at that stage, would not delve deep into the matter for the purpose of appreciation of

evidence.

2. On perusal of the order passed by the learned Magistrate, it is seen that the learned Magistrate has adverted to all the aspects of the case insofar as the charge sheet is concerned and has come to the conclusion that the offences u/s 498-A of IPC and Section 3 and 4 of the Dowry Prohibition Act are made out. Hence, the learned Magistrate has rejected the application for discharge. In view of the rulings of the Hon"ble Supreme Court, this Court cannot conduct a mini trial and the accused have to face trial once charge is framed. Accordingly, the petition is dismissed.