
(2016) 01 RAJ CK 0169
In the Rajasthan High Court
Case No : Cri. Revision Petition No. 4 of 2014

Khim Chand and Others

APPELLANT

Vs

State of Rajasthan and Others

RESPONDENT

Date of Decision : 07-01-2016

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 228
Penal Code, 1860 (IPC) — Section 148, Section 307, Section 323, Section 325, Section 341

Citation : (2016) 2 CriCC 166 : (2016) CriLJ 1243 : (2016) 2 Crimes 404

Hon'ble Judges : Sandeep Mehta, J.

Bench : Single Bench

Advocate : Farzand Ali, for the Appellant; Rajesh Bhati, P.P., Anand Purohit, Sr. Adv. and O.P. Sangwa, for the Respondent

Final Decision : Dismissed

Judgement

Sandeep Mehta, J.—1. By way of the instant revision petition, the petitioners accused have approached this Court being aggrieved of the order dated 4.12.2013 passed by learned Additional Sessions Judge, Bali, District Pali whereby, the learned trial Judge framed charges against the accused petitioners for the offences under Sections 148, 341, 323, 325 and 307, IPC. The accused-petitioners have approached this Court by way of the instant revision being aggrieved to the extent of charge framed against them for the offence under Section 307, IPC.

2. Learned counsel for the petitioners vehemently contends that from the material available on record, there is no such evidence on the strength whereof the trial court could infer that the accused intended to make an attempt on the life of the injured. He submits that neither the location nor the nature of the injuries caused to the injured is such that charge under Section 307, IPC could be applied against the accused. The accused are not alleged to have used any dangerous weapon in the incident. Therefore, the trial Court was unjustified in

framing charge against the accused for the offence under Section 307, IPC. He thus prays that the revision petition deserves to be accepted.

3. Per contra, the learned Public Prosecutor and the learned counsel for the respondent No. 2/complainant vehemently oppose the submissions advanced by the learned counsel for the petitioners. They contend that the accused party, indiscriminately assaulted the injured and caused them several grievous and simple injuries by blunt weapons. They contend that lathi if used on the head can very well turn out to be a dangerous weapon and blow caused on the head can result into a fatality. He drew the attention of this Court to the injury report of Suresh Kumar wherein it is clearly mentioned that he was caused a lacerated wound measuring .5 x 1 x 1 cms. on his right occipital region. Blood was oozing from the wound. The injured Dala Ram also suffered a head injury. They thus contend that as the accused inflicted head injuries to two injured, it can be clearly inferred that their intention was to make an attempt on their life. They urged that at the stage of framing of charge, the trial Court is only required to form an opinion that there are grounds to presume that the accused have committed the offence. The trial Court after a detailed examination of the material available on record, formed such opinion in the case at hand and, therefore, there is no reason for this Court to be persuaded to exercise its revisional jurisdiction for interfering in the well reasoned order passed by the trial Court.

4. I have heard the learned counsel for the parties and have gone through the impugned order as well as challan papers.

5. Needless to say that at the stage of framing of charge, the learned trial Court is only required to form an opinion in terms of Section 228, Cr.P.C. as to whether or not there are grounds for presuming that the accused has committed the offence. No sooner such an opinion is formed, the trial Court can charge the accused with the appropriate offence. In the case at hand, the accused persons formed an unlawful assembly and in furtherance of their common object, launched an indiscriminate assault on the two injured. Suresh Kumar was caused repeated blows resulting into 5 injuries whereas Dala Ram, a 56 years old man was caused 6 injuries including one on the head. A few of the injuries were found grievous in nature. The medical officer who conducted the examination of Dala Ram has given an opinion that the injuries caused to Dala Ram were dangerous to life. In this background, this Court has no hesitation in holding that the trial Court was thoroughly justified in framing charge against the accused for the offence under Section 307, IPC.

6. As an upshot of the discussion, this Court is of the opinion that the impugned order passed by the trial Court does not suffer from any illegality, irregularity or perversity so as to call for interference in the revisional jurisdiction.

7. Accordingly, the instant revision petition being devoid of any merit is liable to be rejected. Stay petition also stands rejected.