
(2019) 04 CHH CK 0091

In the Chhattisgarh High Court

Case No : Criminal Miscellaneous Petition (CRMP) No. 941 Of 2019

Kuljot Kumar Kannoje @ Bittu @ Sadha And Ors

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision : 12-04-2019

Acts Referred:

Indian Penal Code, 1860 — Section 34, 380, 414, 457
Code Of Criminal Procedure, 1973 — Section 397, 482

Citation : (2019) 04 CHH CK 0091

Hon'ble Judges : Sanjay K. Agrawal, J

Bench : Single Bench

Advocate : Rakesh Thakur, Ravi Bhagat

Final Decision : Disposed Of

Judgement

Sanjay K. Agrawal, J

1. The petitioners were charge-sheeted for commission of offence punishable under Sections 457, 380 & 414 read with Section 34 of the I.P.C. Thereafter charges were framed by the Trial Magistrate against the petitioners vide order dated 26/09/2018 passed in Criminal Case No. 817/2018. The petitioners questioned the order passed by the Trial Magistrate by way of revision. The revisional Court affirmed the order of the trial Court vide order dated 24/12/2018 passed in Criminal Revision No. 133/2018 holding that there is prima facie material available for framing charges against the petitioners against which this Criminal Miscellaneous Petition under Section 482 of the Cr.P.C. has been preferred by the petitioners.

2. Learned counsel for the petitioners submits that the trial Court is absolutely unjustified in holding that there are materials available against the petitioners for framing the charges.

3. I have heard learned counsel for the parties, considered their submissions and went through the records with utmost circumspection.

4. Before proceeding further, it would be appropriate to notice the decision rendered by the Supreme Court in the case of State of Rajasthan Vs. Fatehkaran Mehdu¹ in which Their Lordships have held as under :-

" The scope of interference and exercise of jurisdiction under Section 397 of Cr.P.C. has been time and again explained by this Court. Further, the scope of interference under Section 397 Cr.P.C. at a stage, when charge had been framed, is also well settled. At the stage of framing of a charge, the court is concerned not with the proof of the allegation rather it has to focus on the material and form an opinion whether there is strong suspicion that the accused has committed an offence, which if put to trial, could prove his guilt. The framing of charge is not a stage, at which stage final test of guilt is to be applied.

Thus, to hold that at the stage of framing the 1 (2017) 3 SCC 198 charge, the court should form an opinion that the accused is certainly guilty of committing an offence, is to hold something which is neither permissible nor is in consonance with the scheme of the Code of Criminal Procedure. "

5. Reverting to the facts of the case, both the Courts have held that there are material available against the petitioners for framing the charges for the aforesaid offence and there are grounds for proceeding against the petitioners.

6. Both the Courts have rightly held that there are sufficient material available for proceeding further and framing the charges against the petitioners which is neither illegal nor perverse. I do not find any merit in this Cr.M.P.

7. With the aforesaid observations, this Criminal Miscellaneous Petition under Section 482 of the Cr.P.C stands disposed off. No cost(s).