

(2001) 11 SC CK 0019

In the Supreme Court Of India

Case No : Criminal Appeal 1138 of 2001 and SLP(CrI.) 2446 of 2001

Munna Devi

APPELLANT

Vs

State of Rajasthan and anr

RESPONDENT

Date of Decision : 06-11-2001

Acts Referred:

Penal Code, 1860 (IPC) — Section 354, 376, 451, 511

Citation : (2001) 3 ACR 2863 : AIR 2002 SC 107 : (2001) AIRSCW 4663 : (2002) 1 ALLMR 646 : (2002) CriLJ 225 : (2002) 1 Crimes 145 : (2001) 9 JT 438 : (2002) 1 RLW 112 : (2001) 8 SCALE 88 : (2001) 9 SCC 631 : (2001) 8 Supreme 172 : (2002) 1 UC 96

Hon'ble Judges : R. P. Sethi, J;M. B. Shah, J

Bench : Division Bench

Advocate : Yash Anand, for Laxmi Arvind, SCLSC, for the Appellant; Manish Sanghvi, for Javed Mahmud Rao and Gopal Prasad, for the Respondent

Final Decision : Disposed Off

Judgement

Sethi, J.—Leave granted.

2. Aggrieved by the framing of charges against him under Sections 376 511 451 and 354 of the Indian Penal Code, the respondent-accused filed a revision petition in the High Court which was allowed vide the order impugned in this appeal by quashing the charges framed against him. The appellant-compliant-prosecutrix has filed this appeal submitting that the impugned order is against the provisions of law as the High Court could not prevent the holding of trial by sitting in appeal against the order of framing of charge by sifting and weighing the evidence recorded during the investigation.

3. We find substance in the submission made on behalf of the appellant. The revision power under the code of Criminal procedure cannot be exercised in a routine and casual manner. While exercising such powers the High Court has no authority to appreciate the evidence in the manner as the trial and the appellate courts are required to do. Revisional powers could be exercised only when it is

shown that there is a legal bar against the continuance of the criminal proceedings or the framing of charge or the facts as stated in the First Information Report even if they are taken at the face value and accepted in their entirety do not constitute the offence for which the accused has been charged. This Court in Kanti Bhadra Shah and Another Vs. The State of West Bengal, has held that there is no legal requirement for the trial court to writ a reasoned or lengthy order for framing the charges.

4. In the instant case the learned Judge ignored the basic principles which conferred the jurisdiction upon the High Court for exercise of revisional powers. It was premature for the High Court to say that the material placed before the trial court was insufficient for framing the charge or that the statement of the prosecutrix herself was not sufficient to proceed further against the accused-respondent.

5. As the impugned order has been passed against the settle position of law, it is unsustainable and is accordingly set aside. The order of framing the charge passed by the trial court against the accused is upheld with directions to it to proceed with the trial of the case and dispose of the same on merits in accordance with law.

6. The appeal is allowed accordingly.