
(2013) 06 JH CK 0052

In the Jharkhand High Court

Case No : Criminal Revision No. 377 of 2013

Navleen Singh @ Navneel Singh

APPELLANT

Vs

The State of Jharkhand

RESPONDENT

Date of Decision : 21-06-2013

Acts Referred:

Penal Code, 1860 (IPC) — Section 120(B), 413, 414

Citation : (2013) 06 JH CK 0052

Hon'ble Judges : H.C. Mishra, J

Bench : Single Bench

Advocate : Sanjay Kumar, for the Appellant;

Final Decision : Dismissed

Judgement

H.C. Mishra, J.—Heard learned counsel for the petitioner and learned A.P.P. for the State. The petitioner is aggrieved by the order dated 4.4.2013 passed by learned Sessions Judge, Bokaro, in Sessions Trial No. 67 of 2013, whereby the application filed by the petitioner for discharge has been dismissed by the Court below.

2. The petitioner has been made accused in Balidih P.S. Case No. 57 of 2012 corresponding to G.R. No. 745 of 2012 for the offences under Sections 413, 414 and 120(B) of the Indian Penal Code on the allegation that the police was informed that some stolen railway scraps were kept near a hut and the petitioner and other co-accused persons were involved in transaction of the stolen railway materials and they were about to take away the same on the vehicle after weighting the same. The place was raided by the police party, whereupon, some of the accused persons managed to flee away, but one accused was apprehended. The apprehended co-accused disclosed the name of the petitioner also to be present there, who was about to take away the stolen railways materials. The stolen materials were seized and the case was instituted against the petitioner and other co-accused. It appears that after investigation, charge sheet was filed against the petitioner also and the case was committed to the

Court of Session, where, he filed his application for discharge. The Court below on the basis of the materials on record found that there are sufficient materials for framing of charge against the petitioner under Sections 413, 414 and 120(B) of the Indian Penal Code.

3. Learned counsel for the petitioner has submitted that the impugned order passed by the Court below is absolutely illegal, inasmuch as, the petitioner has been made accused in this case only on the basis of the confessional statement of the apprehended co-accused. Admittedly, there is no seizure from the petitioner and it cannot be said that the petitioner was involved in the occurrence. Learned counsel also submits that there is no material against the petitioner for framing of charge under Sections 413, 414 and 120(B) of the Indian Penal Code and accordingly, it is a fit case for discharge.

4. Learned A.P.P. for the State has opposed the prayer.

5. In the facts of the case, it is apparent that there is direct allegation of involvement of the petitioner also in transaction of the stolen railway materials. The police was informed about the same and upon raid, the petitioner allegedly managed to flee away from the said place. The apprehended co-accused took the name of the petitioner to be involved in transaction of the stolen railway materials. Accordingly, in the facts of the case, it cannot be said at this stage that there is no material against the petitioner for framing of charge for the said offences, as alleged. I do not find any illegality and/or irregularity in the impugned order passed by the Court below worth interference in the revisional jurisdiction. There is no merit in this revision application and the same is, accordingly, dismissed.