
(2016) 07 AHC CK 0210
In the Allahabad High Court
Case No : Criminal Revision No. 1521 of 2016

Surendra Sharma	Vs	APPELLANT
State of U.P.		RESPONDENT

Date of Decision : 08-07-2016

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 227, 228, 397, 401

Citation : (2016) 96 ACrC 407

Hon'ble Judges : Mrs. Vijay Lakshmi, J.

Bench : Single Bench

Advocate : Amit Daga, Advocate, for the Revisionist; G.A, for the Opposite Parties

Final Decision : Dismissed

Judgement

Mrs. Vijay Lakshmi, J.—;This revision has been filed against the judgment and order dated 01.03.2016, passed by learned Additional Chief Judicial Magistrate 4th, Meerut, in Criminal Case No. 244 of 2015, State of U.P. v. Surendra Kumar Sharma, arising out of Case Crime No. 597 of 2012, under Sections 420, 467, 468, 471 I.P.C., Police Station Nauchandi, District Meerut, whereby the discharge application of the revisionist has been rejected.

Heard learned counsel for the revisionists and learned A.G.A.

2. The allegation against the accused revisionist is that he forged a letter in the name of Registrar, Hon'ble Supreme Court, directing the District & Sessions Judge, Ghaziabad, to arrest the accused persons involved in a Criminal Case U/s 498A, 304B of I.P.C. and 3/4 D. P. Act and sent it to District Judge, Ghaziabad, by FAX. To verify the truthfulness of the letter, when correspondence was made from the Registrar of Supreme Court, it was revealed that the letter was fake and fabricated. The copy of the letter is available on record.

3. The revisionist has assailed it on the ground that this letter is addressed to District and Sessions Judge, whereas in the FIR it has been alleged that FAX was

sent to C.J.M., Ghaziabad. It has been further contended that from the perusal of the entire evidence on record it appears that no offence is made out against the revisionist under Sections 420, 467, 468, 471 I.P.C., therefore, the impugned order dated 01.03.2016, which has been passed without appreciating the evidence on record, be set aside.

4. Learned A.G.A. has vehemently opposed the aforesaid submissions by drawing the attention of this Court to the observations of court below in order dated 01.03.2016, wherein it has been clearly mentioned that sufficient prima facie evidence is available against the revisionist. The submission of learned AGA is that the court below has rightly rejected the discharge application, moved by the revisionist, keeping in view the facts and circumstances of the case.

5. The impugned order shows that the court below has elaborately discussed in it the prima facie evidence available on record. At the stage of framing a charge only a reasonable doubt in the mind of the court concerned is sufficient and the courts are not required to see whether the evidence available on record is sufficient to prove the case of prosecution beyond reasonable doubt. Only prima facie evidence as available on record is to be considered by the court concerned at the initial stage of framing charges. So far as the instant case is concerned, there appears sufficient prima-facie evidence to frame charges against the revisionist and only the basis of the fact that the letter addressed to District & Sessions Judge, Ghaziabad, was faxed to C.J.M., Ghaziabad, it cannot be said that there was no prima-facie evidence against the revisionist.

6. As per settled legal position the Sessions Judge has the power to discharge the accused in the following circumstances;

A-where the evidence produced is not sufficient,

B-where there is no legal ground for proceeding against the accused,

C-where the prosecution is clearly barred by limitation, or

D-where he is precluded from proceeding because of a prior judgment of High Court.

7. In *Kanti Bhadra Shah v. State of Bengal* AIR 2000 SC 522, Hon"ble Supreme Court has held that the discharge order must contain reasons but an order of framing charge cannot be quashed merely because it does not contain reasons.

8. In *State of J & K v. Sudarshan Khakkar* AIR 1995 SC 1954 and in *Rukmani Narvekar v. Vijaya Satardekar*, AIR 2009 SC 1013, it has been held that no weight is to be attached to the probable defence of the accused and at the time of framing of the charge, the Court has to confine its attention to documents referred to under Section 173 Cr.P.C. only.

9. In *Sanghi Brothers (Indore) Pvt. Ltd. v. Sanjay Choudhary and others*; 2009 (1) SCC (Cri) 87, it has been held by the Hon"ble Apex Court that even if there is a strong suspicion about the commission of offence and the involvement of the

accused, it is sufficient for the Court to frame a charge.

10. In wake of the aforesaid legal position and considering the facts and circumstances of the present case and the prima facie evidence available on record, which has been discussed in detail by the court below, the revision appears to have no force and it is liable to be dismissed at the admission stage.

11. The revision is accordingly dismissed.