
(2019) 03 CHH CK 0078

In the Chhattisgarh High Court

Case No : Criminal Miscellaneous Petition (CRMP) No. 577 Of 2019

Vandana Chaturvedi

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision : 08-03-2019

Acts Referred:

Indian Penal Code, 1860 — Section 34, 120, 420
Code Of Criminal Procedure, 1973 — Section 397

Citation : (2019) 03 CHH CK 0078

Hon'ble Judges : Goutam Bhaduri, J

Bench : Single Bench

Advocate : D.N. Prajapati, Chandresh Shrivastava

Final Decision : Dismissed

Judgement

Goutam Bhaduri, J

1. Heard.

2. The present petition is against the order dated 24.12.2018 passed in Criminal Revision No.36/2018 by the Third Additional Sessions Judge, Raipur. By such order the revisional Court has affirmed the order of the JMFC, Raipur dated 25.10.2017 whereby the charges were framed against the petitioner under Sections 120, 420/ 34 IPC.

3. Learned counsel for the petitioner submits that a compliant was made by one Jagdish Singh Viridi, who was running Janbaj Guards and Allied Services, wherein one Kuldeep Chaturvedi was working as Administrative Officer. It is alleged that when Jagdish Singh Viridi had gone to Canada in the year 2012, at that time by using the password of the account, Kuldeep Chaturvedi transferred the huge amount from the current account of the company to the account of the present petitioner, who is his wife.

4. Learned counsel for the petitioner submits that the petitioner has not used

those amount and the petitioner was not in service with Jagdish Singh Viridi, therefore, no allegation can be attributed to the petitioner.

5. Perused the order and the documents as also the statement of Jagdish Singh Viridi. The petitioner appears to be the wife of the other co-accused Kuldeep Chaturvedi, who has transferred the amount to the account of the present petitioner by using the password for which the allegations have been made. At this stage what was the mens rea of the petitioner cannot be evaluated as it is a matter of evidence. The relation inter se between the petitioner and the other co-accused Kuldeep Chaturvedi is also of much significance that they are husband and wife.

6. The scope of interference and exercise of jurisdiction under Section 397 of Cr.P.C. was again reiterated by their Lordship in case of State of Rajasthan v. Fatehkaran Mehdu, reported in AIR 2017 SC 796. It is stated that 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.

7. Applying the aforesaid principles and going through the report made by the complainant, I am not inclined to interfere with the order of framing of charge against the petitioner at this stage. Accordingly, the petition has no merit and is dismissed.