

GAHC010126792023



2024:GAU-AS:10675

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Crl.Rev.P./242/2023

BIMAL SING BEY
S/O- CHANDRA BEY,
R/O- TARALANGSO, NEAR JNV, DIPHU,
P.S- DIPHU,
DIST- KARBI ANGLONG

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. M SAIKIA,

Advocate for the Respondent : PP, ASSAM,

BEFORE
HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

12-08-2024

Heard Mr. M. Saikia, learned counsel for the petitioner and Ms. S. Jahan, learned Additional Public Prosecutor, Assam for the State.

2. Perused the scanned copy of the records of Sessions Case No. 08/2023 along with the scanned copy of the records of Diphu P.S. Case No. 103/2022 corresponding to G.R. No. 230/2022.

3. Petitioner namely, Bimal Singh Bey, son of Chandra Bey being aggrieved with the order dated 22.03.2023, passed by the learned Sessions Judge, Karbi Anglong, Diphu in framing charge under Section 302/34 IPC in Sessions Case No. 08/2023 arising out of Diphu P.S. Case No. 103/2022 against him and three others has filed this petition under Section 401 read with Section 482 of the CrPC, praying amongst others, to discharge the petitioner from the allegation in said Sessions Case No. 08/2023 setting aside the said impugned order dated 22.03.2023.

4. Petitioner contended that he is not an FIR named accused though he was arrested along with three other persons in said Diphu P.S. Case No. 103/2022.

5. It is also contended by the petitioner that though there are ten numbers of witnesses relied upon by the Investigating Officer including him in the Charge Sheet No. 78/2022 dated 31.12.2022 filed in said Diphu P.S. Case No. 103/2022 but there is no any documentary evidence or any material objects/articles relied by the concerned Investigating Officer. It is stated that the concerned Investigating Officer of the case relying on the statements of the eight witnesses that he recorded under Section 161 CrPC filed the charge sheet in said Diphu P.S. Case No. 103/2022 under Sections 302/34 IPC against the petitioner and three others.

6. From the perusal of the records, it is seen that the statements of the witnesses recorded by the concerned Investigating Officer under Section 161 CrPC and that of the petitioner and other three accused persons of the case, it is seen that there are sufficient ingredients and materials found pertaining to the involvement of the petitioner in the crime.

There are eye witnesses to the crime involved in the case. Further, police have also seized one bamboo stick split in half which is about 76 cm and one Alto Vehicle bearing Registration AS-01-EQ-0821 with key that were duly seized in presence of witnesses by preparing seizure memo.

7. From the case record it is seen that the deceased victim sustained 18 injuries on his person as per the post mortem examination report 23.11.2022 which are all ante mortem in nature and caused by blunt force impact. The eye witnesses to the incident have implicated the petitioner pertaining to his involvement in the alleged crime.

8. After hearing the learned counsel for the parties, considering the entire aspect of the

matter and on perusal of the records of said Sessions Case No. 08/2023, finding sufficient materials pertaining to framing of charge under Section 302/34 IPC by the learned Sessions Judge, Karbi Anglong, Diphu by its order dated 22.03.2023 in said Sessions Case No. 08/2023 arising out of Diphu P.S. Case No. 103/2022 against the petitioner, the Court did not find any such illegality in the said order dated 22.03.2023 of the learned Sessions Judge, Karbi Anglong, Diphu.

9. Accordingly, this petition being devoid of merit, stands dismissed.

JUDGE

Comparing Assistant