IN THE HIGH COURT OF JHARKHAND AT RANCHI
Criminal Revision No. 692 of 2020
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Ashish Kumar Mahto, aged about 28 years, S/o Brajlal Mahto, R/o Mamadevi Birla Hospital Campus, P.O. – Mahilong, P.S. – Tatisilway, District – Ranchi.

… **Petitioner**

Versus

1. The State of Jharkhand
2. Siwani Kumari Nag, D/o Anand Kari Nag, R/o Villager Babu Ram Toli, Bundu, P.O & P.S. – Bundu – District – Ranchi. … **Opp. Parties**

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For the Petitioner : Mr. Sidhartha Roy, Adv.
For the State : Mrs. Vandana Bharti, A.P.P.
For the O.P. No.2 : Mr. Dilip Kr. Prasad, Adv.

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P R E S E N T
HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA
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ORDER

C.A.V. on 14.05.2026 **Pronounced on 19.06.2026**

1. Instant criminal revision is directed against the order dated 28.02.2020 passed by learned Additional Judicial Commissioner-VII-cum-Special Judge SC/ST, Ranchi in Misc. Criminal Application No. 312 of 2020 (hereinafter called as 'impugned order'), whereby and whereunder an application for discharge under Section 227 of the Code of Criminal Procedure filed by the petitioner has been rejected.

2. Factual matrix giving rise to this revision is that the petitioner and O.P. No. 2 had been acquainted with each

other for about three years through Facebook and were in regular telephonic contact. It is alleged that on the assurance of marriage, the petitioner developed a physical relationship with O.P. No. 2. It is further alleged that on 20.02.2019, the petitioner visited the house of O.P. No. 2 and established physical relations with her against her will, but upon being questioned regarding marriage, reiterated his promise to marry her. It is further alleged that on 24.05.2019 at about 01:00 p.m., when O.P. No. 2 again enquired about the proposed marriage, the petitioner got enraged, abused in filthy language, assaulted her and also threatened of dire consequences.

3. I have already heard the arguments of learned counsel for the petitioner as well as learned A.P.P for State assisted by learned counsel appearing for the opposite party No.2.

4. Learned counsel for the petitioner has submitted that it is admitted fact that there was consensual relationship with opposite party No.2, who is a major lady and petitioner was ready to marry her. Even the family of the petitioner was ready for this marriage but the petitioner being a government servant was engaged in the election duty, in the meantime,

opposite party No.2 developed relationship with another man. It is further submitted that opposite party No.2 with the help of her new lover along with other person had given life threatening to the petitioner on 24.05.2019 for which an F.I.R. being Tatisilwai P.S. Case No.28 of 2019 was instituted on 25.05.2019. The F.I.R. of the O.P. No.2 lodged on 08.07.2019, is nothing but in the retaliation of the F.I.R. lodged by the petitioner against opposite party No.2 and her lover. It is further submitted that the petitioner has received grievous injury and drawn the attention of the Court towards Annexures A and B of the affidavit dated 29.08.2022 which are the injury report of the petitioner and supervision notes of the Superintendent of Police respectively with respect of the F.I.R. lodged by the petitioner. It is nothing but the malicious prosecution initiated by the opposite party No.2 and for the ends of justice, the same may not be allowed to continue. It is further submitted that so far as the application of the SC/ST Act against the petitioner is concerned, it is apparent from the F.I.R. itself that the alleged incident of use of abusive words by taking the name of the caste of the opposite party No.2 is not made in the public place, rather the same was made

within the four wall of a room, where no one except the petitioner and opposite party No.2 were present. Hence, it is submitted that the offence under Section SC/ST is not made out. It is further submitted that the learned Court below failed to undertake any meaningful consideration of the materials collected during investigation. The impugned order neither refers to the relevant paragraphs of the case diary nor discloses the incriminating materials forming the basis for framing charge under Section 376 I.P.C. and other allied provisions of the I.P.C., and Section 3(1)(r) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act. Though the learned Court below has discussed the legal principles governing Sections 227 and 228 Cr.P.C., it has not recorded any prima facie satisfaction regarding the existence of sufficient materials against the petitioner. The discharge petition appears to have been rejected in a routine and mechanical manner. Consequently, it is urged that the order dated 28.02.2020 rejecting the discharge application is arbitrary, unsustainable in law and liable to be quashed and set aside.

5. On the other hand, learned A.P.P. appearing for the

State has submitted that at the stage of consideration of a discharge petition, the Court is only required to examine whether a prima facie case is made out from the materials collected during investigation and cannot undertake a detailed appreciation of evidence. It is contended that the statement of the victim recorded under Section 164 Cr.P.C. discloses that the petitioner has established physical relations with her on the false pretext/promise of marriage and continued to do so for a considerable period without fulfilling the said promise. Whether the victim's consent was free or was obtained under misconception based on false promise of marriage is a matter to be adjudicated during trial. It is further submitted that the learned Trial Court, after considering the materials on record and the settled principles governing Section 227 Cr.P.C., rightly rejected the discharge petition. Therefore, there is no illegality or infirmity in the impugned order calling for any interference in this revision which is devoid of merits and fit to be dismissed.

6. I have considered the rival contentions of the parties advanced by learned counsels for respective parties and also perused the impugned order.

7. It is settled principle of law that while framing charges, Court is required to evaluate materials and documents on record to decide whether facts emerging therefrom taken at their face value would disclose existence of ingredients constituting the alleged offence. At this stage, the Court is not required to go deep into the probative value of materials on record. It needs to evaluate whether there is a ground for presuming that accused had committed offence. But it should not evaluate sufficiency of evidence to convict accused. Even if there is a grave suspicion against the accused and it is not properly explained or Court feels that accused might have committed offence, then framing of charges against the accused is justified. It is only for conviction of accused that materials must indicate that accused had committed offence but for framing of charges if materials indicate that the accused might have committed the offence, then framing of charge is proper. Materials brought on by the prosecution must be believed to be true and their probative value cannot be decided at this stage. The accused is entitled to urge his contentions only on materials submitted by prosecution. He is not entitled to produce any material at this stage and the

Court is not required to consider any such material, if submitted. Whether the prima facie case is made out depends upon facts and circumstances of each case. If two views are possible and materials indicate mere suspicion, not being grave suspicion, against accused then he may be discharged. The Court has to consider broad probabilities of the case, total effect of evidence and documents produced before it. The Court should not act as mouthpiece of prosecution and it is impermissible to have roving enquiry at the stage of framing of charge.

8. From perusal of impugned order, it appears that the learned Trial Court has considered the materials collected during investigation and also the statement of the victim under Section 164 of the Cr.P.C. and recorded his subjective satisfaction about sufficient materials of presuming that the accused has committed the offences for which the cognizance has been taken against him. The points of arguments raised on behalf of petitioner raising a plea that the petitioner was all along willing and consenting to solemnize marriage with the prosecutrix but she fell under love with another boy and also brutally assaulted to the petitioner for which criminal

proceeding is initiated by the petitioner against the prosecutrix and her lover may be probable defence in the trial. Petitioner has raised no any glaring point which facts the core of the prosecution case to be absolutely unreliable at the very threshold on the basis of materials collected during investigation rather he is relying upon his defence which cannot be permitted to be considered at the present stage of proceeding.

9. In view of above discussion and reasons, I do not find any illegality or irregularity in the impugned order calling for any interference in this revision which stands **dismissed**. However, petitioner shall be at liberty to take all the above points of defence at the time of trial of the case.

10. Pending I.A., if any, stands disposed of.

11. Let a copy of this order be sent to the concerned Court for information and needful.

(Pradeep Kumar Srivastava, J.)

Jharkhand High Court, Ranchi
Dated:19/06/2026
Sachin / **NAFR**
Uploaded On:22/06/2026