

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17603 of 2015

Arising Out of PS.Case No. -356 Year- 2012 Thana -CIVIL LINE District- GAYA

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Md. Sunni son of Md. Gaffar resident of Mohalla - Chudi Gali, Karimganj,
P.S. - Civil Line, District - Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Shabnam Pravin wife of Jafar Alam resident of Mohalla - Madarsa Gali,
Karimganj, P.S. - Civil Line, District - Gaya.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate
: Mr. Dhananjay Kumar Gupta, Advocate
For the Opposite Party/s : Mr. Arbind Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 23-04-2015 This application under section 482 of the Code of Criminal Procedure (hereinafter referred to as “the Code”) has been filed for quashing of the order dated 21.2.2015 passed by the learned Additional District and Sessions Judge-IX, Gaya in Sessions Trial No.159 of 2014 whereby he has dismissed the application filed under section 227 of the Code for discharge.

According to the prosecution case, the petitioner committed rape upon the informant of the case time without number and he was blackmailing and exploiting her on the basis of a photograph which he had taken while the informant was bathing. He also took Rs.30,000/- from her on the pretext of deleting the



nude photograph of the informant. The police investigated the case and found the allegations made in the FIR to be true and, accordingly, submitted charge-sheet in the case. On perusal of the first information report, the materials collected in course of investigation and the police report submitted under section 173(2) of the Code, the learned Chief Judicial Magistrate, Gaya took cognizance of the offence and after supplying the police papers to the accused in terms of section 207 of the Code, committed the case to the court of sessions for trial.

Learned counsel for the petitioner has submitted that the petitioner has been implicated in a false and frivolous case. The allegation of demanding money on the pretext of deleting the photograph has not been found to be true against the petitioner in course of investigation. It has further been contended that the informant of the case has herself admitted in course of investigation that she had established physical relationship with the petitioner. According to him, if an adult lady out of her own sweet will enters into physical relationship with some one, the same would not constitute an offence punishable under section 376 of the Indian Penal Code.

On the other hand, learned counsel for the State has submitted that the case of the prosecutrix right from the beginning

is that she was blackmailed, harassed, exploited and ravished by the petitioner on the basis of photograph taken by him while she was bathing.

Be that as it may, it is well settled that meticulous analysis of the materials collected in course of investigation is not required to be done at the stage of framing of charge. At this stage, even a strong suspicion against an accused of an offence committed a cognizable offence, would be sufficient for framing of charge against him

Keeping in view the nature of allegation made in the first information report which has been supported by the witnesses in course of investigation, the court below has rightly rejected the application of the petitioner filed under section 227 of the Code.

Accordingly, the application, being devoid of any merit, is dismissed.

Md.S./-

(Ashwani Kumar Singh, J)

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