

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 232 of 2015**

- Bhaskar Rohi S/o Kanhaiyalal aged about 27 years R/o Salhewar Para, PS Dhamtari, Distt. Dhamtari Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through PS Dhamtari, District Dhamtari Chhattisgarh.

---- Respondent

For applicant	: Mr. Adil Minhaj, Advocate
For Respondent/State	: Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****01/05/2015**

1. This order shall dispose of this criminal revision filed under Section 397 read with Section 410 of the Code of Criminal Procedure (in brevity 'Cr.P.C.') by which the applicant has challenged the order dated 7-2-2015 passed by the Sessions Judge, Dhamtari in S.T. No. 4/2015 (State of Chhattisgarh -v- Bhaskar Rohi) whereby and whereunder learned trial Court held that prima facie charge under Section 376 of the Indian Penal Code (in brevity 'IPC') is made out against the applicant, hence the applicant was charged for the offence under Section 376 of the IPC and learned trial Court fixed the trial for recording evidence.
2. By challenging the above mentioned order the applicant has taken the ground that the impugned order is apparently erroneous, unsubstantiated and contrary to material available on record. No ingredient of the said offence is made out from the charge sheet. Even if the statement of prosecutrix is believed, she has stated that she maintained physical relations with the applicant after their marriage. By entire perusal of the charge sheet, offence under Section 376 of the IPC is not made out. Hence

it is prayed that the impugned order dated 7-2-2015 be set aside and the applicant be discharged from the offence.

3. No written response / reply is submitted by the non-applicant/State.
4. Heard learned counsel for both the parties.
5. Learned counsel for the applicant duly supported the grounds taken in this revision and submitted that there is no ingredient of section 375 of the IPC against the applicant. Hence the order framing charge under Section 376 of the IPC may be set aside.
6. Perused the entire charge sheet as also the documents annexed with the revision.
7. For the purpose of framing of charges, the court is required to consider the entire evidence available in the charge sheet. After perusal of statement under Section 161 of the Code recorded by the police during investigation, in the considered opinion of this Court, it cannot be held that there is no material against the applicant for framing charge under Section 376 of the IPC. On due consideration, I am not agreed with the arguments and the grounds of the revision that no case is made out against the applicant for framing of charges.
8. It is made clear that the trial Court shall decide the case on its own merit without being influenced by any observation made by this Court in this order.
9. Consequently, the revision filed on behalf of the applicant is hereby dismissed.

Sd
Chandra Bhushan Bajpai
Judge