

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 674 of 2015

Purushottam Das, son of Baisakhu Das Manikpuri, aged about 25 years, R/o village Bedparsada, Police Station Masturi, Civil & Revenue District Bilaspur C.G.

---- Petitioner

Versus

1. State of Chhattisgarh, through the District Magistrate, Bilaspur, Distt. Bilaspur (C.G)

---- Respondent

For the Petitioner	:	Ms. Meenu Banerjee, Advocate.
For the Respondent	:	Mrs. Farah Minhaj, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

05.08.2015

1. This is a petition under Section 482 of the Code of Criminal Procedure against the order of framing of charge passed in Sessions Trial No.3534/2015 by the Sessions Judge, Bilaspur wherein the petitioner is being tried under Section 354(C) and 307 IPC.
2. Learned counsel for the petitioner would submit that according to the medical report which is filed alongwith charge sheet, it does not show any bony injury caused to the complainant and therefore it cannot be said to be a grievous hurt as defined u/s 320 IPC. He submits that at the most the charges can be framed u/s 324 IPC. It is further submitted that the nature of injury would play a vital role to decide the gravity of the offence and consequently, since no bony injury was found, the offence u/s 307 IPC cannot be made out in the instant case. She placed reliance on a case law reported in **2003 Cri.L.J. 2349 – Gurmit Singh v. U.T. Chandigarh** and would submit that in similar facts of the case when the bony injury was not found, the

Court altered the charges.

3. Per contra, the learned State Counsel opposes the arguments and would submit that since the charges were framed u/s 307 IPC, it would not be proper at this stage to evaluate the intention. She would further submit that the intention would play a vital role and in this case, reading of the statements of complainant Bharti Shukla and her husband, it would substantiate the charges u/s 307 IPC.
4. I have gone through the charge sheet and the medical report enclosed therewith. A perusal of the medical report would show that a lacerated wound was found on the parietal region and subsequently after the petitioner was made accused, an Axe was seized from him. Reading of the statement of Bharti Shukla, would go to show that while she had gone to the field to answer the call of nature, the petitioner came there and attacked her with an Axe. One of the blow was inflicted on her head and the other she could resist by holding the axe. It further goes to show that the accused also tried to throttle the complainant. Reading the statement along-with the documents placed by the prosecution, at this stage, it would not be appropriate for this Court to evaluate the intention of the petitioner and only to judge the offence on the basis of the medical report. Prima facie, without going into the merits of the case, the charges framed against the accused cannot be said to be groundless. Therefore, taking into account the facts I am not inclined to exercise the jurisdiction vested in the Court under Section 482 Cr.P.C.
5. Consequently, the petition has no merit and it is dismissed.

**Sd/-
GOUTAM BHADURI
JUDGE**