

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 1065 of 2015

Ranveer Singh S/o Ramsadan Singh Aged About 27 Years R/o
Green Garden, P.S. Civil Lines, Tehsil & Distt. Bilaspur,
Chhattisgarh.

---- Petitioner

Versus

State Of Chhattisgarh Through Collector, Bilaspur, Chhattisgarh.

---- Respondent

For petitioner - Shri Arvind Shrivastava, Advocate.
For Respondent/State – Shri Om.P. Sahu, PL

Hon'ble Shri Justice Goutam Bhaduri

Order

10/12/2015

1. Challenge in this petition is to the order dated 15/05/2015 passed in Criminal Revision No.59/2015 by the 8th Additional Sessions Judge, Bilaspur whereby the order dated 23/06/2014 passed by the JMFC, Bilaspur in Criminal Case No.2584/2014 whereby charges framed were challenged was dismissed.
2. Learned counsel for the petitioner submits that complainant is one Virendra Pathak who obtained loan from Sriram Transport Finance Company, Bilaspur and the bus bearing No. C.G. 15-A 0274 was purchased. Said bus was being driven between Ambikapur to Bilaspur. He submits that petitioner is an employee of the Sriram Transport Finance Company, Bilaspur and since vehicle was in the hire purchase agreement which was purchased and since complainant made default in payment as such vehicle was seized. He further submits that even statement of the witness would show that neither any force was applied to take the vehicle nor it was taken away without the consent. He further submits that in any case under the facts of the case Section 392 of IPC is not made out in the

charges. He referred to the statement of Ramvilas Gupta and Sadharam and submits that taking into statement of these witnesses ingredients of Section 392 of IPC is not made out as no force was applied.

3. I have perused the documents and the statement. Perusal of the FIR would show that FIR was made by Virendra Pathak that in between period 1/09/2004 to 3/09/2004 his vehicle met with some mechanical problem which was being driven in between Bilaspur to Ambikapur while it was being repaired and coming back 4-5 persons reached to the vehicle and stated that they are employees of Sriram Transport Finance Company and snatched the key and took the vehicle and got certain signature on the papers and took the vehicle. The statement of Ramvilas Gupta and Sadharam also examined wherein it is stated that 3-4 persons took away the vehicle saying they are agent of the finance company. Documents which are placed before this court reading them it is not presently established that petitioner is employee of the finance company. In what capacity he seized the vehicle is to be adjudicated during the trial. Simply reading of the statement do not establish the fact that petitioner was working on behalf of the finance company. Such defence has to be placed before the court below while case is being adjudicated on the basis of the charge sheet and documents, charges so framed cannot be faulted with.

4. The Supreme Court in the case law reported in **AIR 2013 SC 52 (Shoraj Singh Ahlawat and Ors. Vs. State of U.P. and Anr.)** has held that the Court trying the case can direct discharge only for reasons to be recorded by it and only if it considers the charge against the accused to be groundless. Section 240 of the Code provides for framing of a charge if, upon consideration of the police report and the documents sent therewith and making such examination, if any, of the accused as the Magistrate thinks necessary, the Magistrate is of the opinion that there is ground for

presuming that the accused has committed an offence triable under Chapter XIX, which such Magistrate is competent to try and which can be adequately punished by him. The ambit of Section 239 Cr.P.C. and the approach to be adopted by the Court while exercising the powers vested in it under the said provision fell for consideration of this Court in *Onkar Nath Mishra and Ors. Vs. State (NCT of Delhi) and Anr. (2008) 2 SCC 561 : (AIR 2008 SC (Supp) 204 “ 2008 AIR SCW 96)*.

5. Therefore, in view of the foregoing discussion, I am not inclined to interfere with the order of framing of charge at this stage. Accordingly, the petition is dismissed.

Sd/-

(Goutam Bhaduri)

JUDGE