

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 568 of 2016**

Jai Kumar Mahobiya S/o Shiv Prasad Mahobiya, aged about 45 years, R/o Village Dhanpuri, Ward No. 17, Police Station Dhanpuri, District Shahdol (M.P.)

---- Applicant

Versus

State of Chhattisgarh through the Station House Officer, Police Station Khadganwa, District Korea, Chhattisgarh

---- Respondent

For Applicant : Shri N. K. Chatterjee, Advocate
 For Respondent/State: Smt. M. Asha, P.L.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****11/07/2016**

The present petition has been preferred challenging the order dated 06.04.2016 passed by the 1st. Additional Sessions Judge, Manendragarh, District Korea in Sessions Trial No. 51/2015 whereby the Court below has framed charges against the applicant for the offence under Sections 342 and 376(1) of IPC.

2. Counsel for the applicant assailing the impugned order submits that a perusal of the record itself it is evident that there is no iota of evidence against the applicant of having committed the offence under Section 376(1) IPC and that he has been falsely implicated in the said case. He further submits that even there is no medical evidence in support of the commission of the offence in the case diary and therefore the charges framed against the applicant under Sections 342 and 376 (1) of IPC are totally uncalled for and deserve to be rejected.

3. However, opposing the revision petition State counsel submits that prima facie, the statement of the prosecutrix by itself is sufficient for framing charges against the applicant and in the instant case, there is specific allegation against the applicant that he had sexually exploited the prosecutrix and confined her in one of the rooms of the school and it was the villagers who had freed her by breaking the lock of the room.

4. Considering the total facts and circumstances of the case particularly the statement of the prosecutrix where she has stated that she was freed from the school room by the help of the villagers, the Court below had framed the charges against the applicant under Section 342 and 376(1) of IPC.

5. In view of the aforesaid factual background of the facts this Court is of the opinion that there was no illegality or infirmity committed by the Court below while framing charges against the applicant under Sections 342 and 376(1) of IPC.

6. Thus, the instant Criminal Revision being devoid of merit deserves to be and is accordingly rejected.

Sd/-
(P. Sam Koshy)
JUDGE