

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Cr.M.P. No. 713 of 2016**

Kamal Behra S/o Hemandri Behra, aged about 27 years, R/o village Shankara-Saunra, PS Sariya, Tahsil Baramkela, District Raigarh, CG.

---- Petitioner**Versus**

State of Chhattisgarh through Police Station- Kotwali Raigarh, District Raigarh, CG

---- Respondent

For Petitioner	:	Shri A. K. Yadav, Advocate
For Respondent	:	Shri B. Gopa Kumar, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****08/07/2016**

The petitioner through the present petition has challenged the order dated 23.06.2016 passed by the Sessions Judge, Raigarh in Criminal Revision No. 95/16 whereby the revision petition filed by the petitioner against the order dated 10.06.2016 passed by the Judicial Magistrate Second Class, Raigarh in Criminal Case No. 303/16 framing a charge against the petitioner for the offence under Section 414 in alternative Section 411 of IPC has been rejected.

2. Counsel for the petitioner submits that on account of certain inimical terms in the locality a false complaint has been made to the Police Authorities on the basis of which the petitioner has been falsely implicated in this case. He submits that the matter revolves around a motorcycle bearing Chachis No. MO6251028544 and Engine No. DFDD1320370 and the Police Authorities have failed to establish the fact that the said motorcycle is a stolen property. He further submits that unless it is established that the motorcycle is a stolen property, the offence under

Section 414 in alternative 411 could not have been registered against the petitioner.

3. However, a perusal of the records would show that in the course of investigation the petitioner himself has not been able to establish his ownership and title over the said motorcycle and that he has also not been able to provide any satisfactory explanation as to from where he has got the said motorcycle which creates a strong suspicion against the petitioner of having purchased the stolen property without proper document. Thus, In the opinion of this Court, the Court below has rightly framed the charge with the available material for the offence under Section 414 in alternative Section 411 of IPC against the petitioner. Further, whether the prosecution would be able to establish its case is a matter which would be thrashed out after the evidence has been recorded and the same could not have been looked into at this stage by the Revisional Court or for that matter by this Court in a petition under Section 482 CrPC.

4. Thus, the present Cr.M.P. being devoid of merit deserves to be and is accordingly dismissed.

Sd/-
(P. Sam Koshy)
JUDGE