

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRIMINAL MISC. PETITION NO. 968 OF 2016

Pukhraj Sahu, aged about 44 years, son of late Shri Sitaram Sahu, R/o Village Baktara, P.S. Abhanpur, Tahsil Abhanpur, District Raipur (C.G.) (wrongly written as Mahasamund)

... Petitioner

Versus

State of Chhattisgarh, through Collector/District Magistrate, Mahasamund (C.G.)

... Respondent

For Petitioner	:	Mr. C.R. Sahu, Advocate.
For Respondent-State	:	Mr. U.K.S. Chandel, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

09/09/2016

1. The present petition under Section 482 of CrPC has been filed by the Petitioner against the order dated 19.8.2016 passed by the First Additional Sessions Judge, Mahasamund in Criminal Revision No. 24 of 2016, whereby the said Revisional Court has affirmed the order dated 12.4.2016 passed by the Chief Judicial Magistrate, Mahasamund in Criminal Case No. 89 of 2016 by which charge has been framed against the Petitioner for the offence punishable under Sections 420/34, 120-B, 409 of IPC and Section 4, 5 & 6 of Prize Chits Money Circulation Banning Act.

2. Learned Counsel for the Petitioner submits that the Court below has committed an error on facts and in law to the extent that no role has been played by the Petitioner in the entire commission of offences. He further submits that it is a case where the Petitioner has been falsely implicated as he has not collected any money from the alleged complainants nor has he got the money in his personal account so as to bring home the offences which have been framed against him. He next submitted that the Court

below has also failed to appreciate the fact that subsequently the company has returned all the money to all the investors and has also settled the dispute by way of a compromise with each of the investors and therefore the Court below should not have framed the charge against the Petitioner.

3. Learned Counsel for the State opposes the petition on the ground that a bare perusal of the impugned order clearly reflects that there is a direct allegation against the Petitioner to have acted as an agent of the company and that the complainants who had invested money in the company were influenced by the Petitioner who had suggested for the investment and therefore it cannot be said that he had not played any role in the commission of the offence.

4. Having considered the rival contentions put forth on behalf of either side and on perusal of the records whatever are available along with the present petition would clearly reflect that the Court below has found that there is a direct allegation against the Petitioner of having propagated the scheme of the company to the customers/investors and he has influenced the customers for making investments. The said allegation if taken into consideration is sufficient material for the purpose of framing the charge that has been levelled against him and it cannot be said to be a case of no evidence at the stage for framing of charge. Whether the charges framed would result in conviction of the Petitioner is not to be looked into at the stage where it is only the prima facie material which has to be looked into by the Court below at the time of framing of charge.

5. The law so far as framing of charge is concerned, all the Courts have by now settled the proposition of law that at the time of framing of charge all that the Court has to see is whether there is some prima facie material available against the accused. In the instant case, there is a direct

allegation against the Petitioner by the complainants of having propagated the scheme of the company and also influencing the investors and which is a sufficient material at least for the purpose of framing of charge against the Petitioner.

6. Thus, for the foregoing reasons, this Court is of the opinion that there is no illegality or infirmity committed on the part of the two Courts below passing the two orders firstly by the Trial Court while framing of charge and subsequently the Revisional Court affirming the order of framing of charge, for invoking the powers under Section 482 of CrPC calling for interference with the two orders.

7. The Criminal Misc. Petition being totally devoid of merits the same is accordingly dismissed.

Sd/-
(P. Sam Koshy)
Judge