

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 962 of 2015

Pyare Lal Aadile S/o Jethulal Aadile, aged about years, R/o Village Barpali, P.O. Barpali, Tahsil Kartala, Police Chowki-Urga, P.S. City Kotwali, Distt. Korba, Chhattisgarh.

---- Petitioner

Versus

Ghanshyam Patel S/o Late Sudarshan Patel Aged About 53 Years R/o Quarter No. S.F. 875, C.S.E.B. Colony, Korba, P.S. Kotwali, Tahsil & District Korba, Chhattisgarh.

---- Respondent

For petitioner - Shri Sandeep Dubey, Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order

27/01/2016

1. Instant petition is against the order dated 29th June, 2015 passed in Criminal Revision No.18/2010 by the First Additional Sessions Judge, Korba. Criminal complaint was filed by Ghanshyam Patel which was bearing No.305/2008 against the petitioner and others wherein trial court on 14/10/2008 had directed for registration of the offence which was subject of challenge before the revisional court and the revisional court also affirmed the issuance of summons as prima facie it found that case against petitioner under Section 306 of IPC is made out.
2. Learned counsel for the petitioner would submit that as per suicidal note which is filed it will not lead to causing any abetment by the petitioner to the deceased. He further submits that even if the suicidal note is admitted, petitioner cannot be held liable for commission of the offence and therefore prays to quash the proceeding before the court below.
3. Perused the order of court below as also statement and dying declaration which is placed on record. The argument which is advanced by learned counsel for the petitioner cannot be appreciated at this stage

as only after registration of the crime petitioner has challenged the same in the revision and thereafter after dismissal of the revision, this petition is filed.

4. Statement of the complainant, father of the deceased student namely Ghanshyam Patel perused. Perusal of the statement shows that primary allegations have been attributed against this petitioner. With respect to suicidal note it also speaks about allegation against the petitioner. Interpretation and the effect how much it was applicable is to be appreciated by the court below. Same can be done after all the evidence are adduced and the petitioner enters his appearance and contest the case. Petitioner would be at liberty to demolish the entire case after cross examination. Prima facie it appears while considering the statement no illegality or jurisdictional error has been committed by the court below, therefore I am not inclined to invoke extra ordinary jurisdiction vested with this court under Section 482 of Cr.P.C.

5. Accordingly, the petition is dismissed.

Sd/-

(Goutam Bhaduri)

JUDGE