

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRIMINAL MISC. PETITION NO. 33 OF 2016

- Narayan Yadav, S/o late Bodram aged about 29 years, R/o Village Premnagar, Bataikela, Police Station Kansabel, District Jashpur (C.G.)

... Petitioner

Versus

1. Sulender Ahir, S/o Daaljit, aged about 27 years
2. Munnu Yadav, S/o Pito Yadav, aged about 50 years
3. Padu Yadav, S/o Arjun Yadav, aged about 30 years

All residents of Village Premnagar, Bataikela, Police Station Kansabel, District Jashpur (C.G.)

4. State of Chhattisgarh, through the District Magistrate, Jashpur, District Jashpur (C.G.)

... Respondents

For Petitioner	:	Ms. Savita Tiwari , Advocate.
For Respondent-State	:	Ms. M. Asha, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

29/04/2016

1. Challenge in the present writ petition is to the order dated 8.12.2014 whereby the Additional Sessions Judge, Jashpur has rejected the Criminal Revision No. 14 of 2014 filed by the Petitioner, affirming the order dated 20.12.2013 passed by the Judicial Magistrate First Class, Bagicha, in Criminal Case No. 506 of 2013 framing of charge under Sections 294, 324/34 and 506-B of IPC against the Respondents,
2. Counsel for the Petitioner submits that taking into consideration the nature of injury sustained by the Petitioner particularly the fact that the injury has been struck on the head and there was an incised wound, the charge framed against the Respondents ought to have been one under Section 307 of IPC or at-least under Section 326 of IPC, but the Trial Court has framed the charge only for the offence under Sections 294,

324/34 and 506-B of IPC. Therefore, the orders passed by the two Courts below firstly by the Trial Court in framing the charge for the aforesaid offence and secondly the rejection of the criminal revision by the Revisional Court on 8.12.2014 are bad in law.

3. However, a perusal of the record would show that Dr. Y.K. Toppo, who has been examined as Prosecution Witness No.6 by the Trial Court, in his evidence has very specifically deposed that the nature of injury sustained by the injured are simple in nature and that apart from the said evidence there is no other piece of evidence on record by which it can be said that the ingredients required for framing of charge under Section 307 of IPC or for that matter a charge under Section 326 of IPC have been brought on record by the prosecution.

4. For the foregoing reasons, this Court is of the opinion that there is no infirmity in the orders passed by the two Courts below, nor can it be said that the two orders have been passed without application of mind or for that matter contrary to the evidence on record.

5. Accordingly, the Criminal Misc. Petition is dismissed being devoid of merits.

Sd/-
(P. Sam Koshy)
Judge