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HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 839 of 2016**

1. Rambharos S/o Bhaiya Deen Sweeper, Aged About 45 Years R/o Parasidari, Police Station- Beesmada, Out Post- Vilgaon, District- Banda (U. P.), Present Address- Gevra, Ghat Sweeper Mohalla, Beside Canal, Out Post- C. S. E. B. Police Station- Kotwali, Civil And Revenue District- Korba Chhattisgarh.
2. Mahesh Chand, S/o Jogilal Kalse, Aged About 25 Years R/o Parasidari, Police Station- Beesmada, Out Post- Vilgaon, District- Banda (U. P.), Present Address- Gevra, Ghat Sweeper Mohalla, Beside Canal, Out Post- C. S. E. B. Police Station- Kotwali, Civil And Revenue District- Korba Chhattisgarh.
3. Chhangu Kalse, S/o Ram Bharos, Aged About 24 Years R/o Near 15 Block School, House Of Tulsi, Out Post C. S. E. B. Korba, Police Station- Kotwali, Civil And Revenue District- Korba Chhattisgarh.

---- Applicants**Versus**

- State Of Chhattisgarh S/o Through- Station House Officer, Out Post C. S. E. B., Police Station- Kotwali, Korba, District- Korba Chhattisgarh.

---- Non-applicant

For Applicants	:	Mr. Dharmesh Shrivastava, Advocate
For Non-applicant/State	:	Mr. U.K.S. Chandel, Panel Lawyer

SB: Hon'ble Shri Justice P.Sam Koshy**Order On Board****09/09/2016**

1. The present Criminal Revision under Section 397/401 Cr.P.C. has been filed seeking for quashment of order dated 09.06.2016 whereby the charges have been framed against the present Applicants for the offence punishable under Sections 147, 148, 149, 302, 294, 323 and 506-B/34 IPC.
2. Learned Counsel for the Applicants submits that there are no prima

facie material available in the charge-sheet for the Court below to have framed the said charges against the present Applicants.

3. Learned State Counsel however opposing the Petition draws attention of this Court to the statement of the sister-in-law of the deceased wherein she has categorically stated that the present Applicants were present at the place of incident and were also armed with Lathi and club. That similar statement have also been given by the other witnesses wherein also the name of the Applicants present at the place of occurrence is reflected.
4. Considering the fact that there are statements of the persons categorically naming the present Applicants being present at the spot armed with Lathi, club and iron rod, this Court is of the opinion that prima facie the Court below has found some material against the present accused Applicants so as to frame charges which has been levelled against them. It can not be said to because of no evidence. So far as the role played by each of the Applicants/accused are concerned they are matter of evidence which cannot be looked into at this stage.
5. So far as law in respect of the framing of charge is concerned, the Court below has only to see as to whether there are some prima facie material available in the charge-sheet for framing the charge, which in the instant case the statements of the witnesses by itself establishes.
6. Accordingly, the present Revision Petition being devoid of merits, stands dismissed.

Sd/-

(P. Sam Koshy)
JUDGE