

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRIMINAL MISC. PETITION NO. 1267 OF 2016

Ramcharan Sihani, S/o Shri Bedram Nirmalkar, aged about 60 years, R/o Village Nariyara, Police Station Pamgarh, District Janjgir-Champa (C.G.)

... Petitioner

Versus

State of Chhattisgarh, through the District Magistrate, District Janjgir-Champa (C.G.)

... Respondent

For Petitioner	:	Mr. Samir Singh, Advocate.
For Respondent-State	:	Mr. Ashish Shukla, Government Advocate, along with Mr. Bhaskar Payashi and Mr. Ashok Swarnakar, Panel Lawyers.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

22/11/2016

1. The present petition under Section 482 of CrPC has been preferred by the Petitioner assailing the order dated 16.8.2016 passed by the Sessions Judge, Janjgir-Champa in Criminal Revision No. 62 of 2016.
2. By way of the impugned order dated 16.8.2016, the Revisional Court has rejected the criminal revision preferred by the present Petitioner against the order dated 15.6.2016 passed by Judicial Magistrate First Class, Pamgarh in Criminal Case No. 1160 of 2007 whereby charges for the offence under Sections 420, 120-B/34 of IPC have been framed against the Petitioner.
3. The sole contention of the Counsel for the Petitioner is that the Petitioner in the instant case does not have any role in the commission of the alleged offence. According to the Counsel for the Petitioner, neither is it a case where the Petitioner had in any manner been benefited by the alleged action said to have been committed. In addition, Counsel for the

Petitioner also refer to a report of the Joint Collector who had conducted a preliminary enquiry holding that the entire offence if any, has been committed by a Patwari who has since expired. He also emphasized on the fact that even if the entire charge-sheet is perused there is no material by which the Petitioner can be implicated for the reason that at no point of time has the Petitioner ever moved an application for substitution of his name in the government record asking the government land to be entered in his name. He thus prayed for the quashment of the framing of charge.

4. Counsel for the State however opposing the petition submits that there are documentary proofs available with the charge-sheet so as to establish some role to have been played by the present Petitioner in the commission of the offence. He further submits that even otherwise the very fact that the name of the Petitioner has been entered in B-1 Khasra and the revenue record shows that it is the Petitioner who is the beneficiary of the alleged misdeed of the government land registered in his name.

5. State Counsel further submits that at the stage of framing of charge all that the Court below has to see at present is whether there is some prima facie material available in the charge-sheet for the Court to have framed the charge. He also submits even if there are strong suspicions against the Petitioner even then the Court is justified in framing of the charge, and thus prayed for the rejection of the petition.

6. Having considered the rival contentions put forth on behalf of either side and on perusal of the record as also considering the categorical submissions made by the Counsel for the parties, the fact that the name of the Petitioner is found in B-1 Khasra itself shows that there was some material available in the charge-sheet against the Petitioner and for which

the Trial Court cannot be said to have committed any illegality or infirmity while framing the charge as framed.

7. Thus, this Court does not find any strong case made out by the Petitioner calling for interference with the orders passed by the two Courts below.

8. The Criminal Misc. Petition being devoid of merits is accordingly dismissed.

Sd/-
(P. Sam Koshy)
Judge

/sharad/