

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Cr.M.P. No. 355 of 2017**

Krishnanand Trivedi S/o. Late Mahadev Trivedi, age 74 years,
R/o. Indira Vihar, P. S. Sarkanda, Tahsil and District Bilaspur
(Chhattisgarh).

---Petitioner**Versus**

1. State of Chhattisgarh, through District Magistrate, Bilaspur,
District Bilaspur (Chhattisgarh).
2. Gulabchand Mishra (Died) S/o. Late S. Mishra, through -
Bablu Singh, General Secretary R.K.K.M.S., S/o. Late Hari
Singh, age 30 years, R/o. Vidyanagar, P. S. Tarbahar, District
Bilaspur (Chhattisgarh).
3. G. Sanjeeva Reddi, age 60 years, President, Central INTUC
Delhi Shramik Kendra – 04.

---Respondents

For petitioner : Mr. Rajkumar Gupta, Advocate.

For respondents/State : Mr. Arvind Dubey, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****29.11.2017**

1. The trial court framed charges against the petitioner for offence under Sections 409, 420/34, 467/34, 468/34 & 471/34 IPC. The petitioner challenged the order framing charge before the Revisional Court and the Revisional Court by its interim order dated 19.10.2016 dismissed the revision finding no merit, against which this petition under Section 482 Cr.P.C. has been preferred.

2. Mr. Rajkumar Gupta, learned counsel for the petitioner, would

submit that interim order passed by the trial court as affirmed by the Revisional court is unsustainable and bad in law and if the material produced along with charge-sheet is taken as it is no offence under Sections 409, 420/34, 467/34, 468/34 & 471/34 IPC is made out against the petitioner.

3. Learned counsel for the respondent/State would oppose the petition.

4. I have heard learned counsel for the parties and considered their rival submissions made herein-above.

5. The trial court has framed charges for offence under Sections 409, 420/34, 467/34, 468/34 & 471/34 IPC against the petitioner which has been affirmed by the revisional court. The law with regard to interference in the order framing charge is well settled. At the stage of framing of charge, the Court has to consider the material with a view to find out if there is ground for presuming that an accused had committed offence and not for the purpose of arriving at a conclusion that it is not likely to lead a conviction. (See : **Amit Kapoor v. Ramesh Chander and another**¹ and **Dinesh Triwari v. State of Uttar Pradesh and another**²).

6. Applying the principle of law laid down by the Supreme Court in **Amit Kapoor** (supra) and **Dinesh Tiwari** (supra) to the facts of the case, it would appear that the trial court has reached to the *prima facie* conclusion that it is a case where there is material available on

1 (2012) 9 SCC 460

2 (2014) 13 SCC 137

record for presuming that the petitioners have committed the offence and thereby framed charges for aforesaid offence, as such, I do not find any jurisdictional error or illegality requiring interference in the order framing charge in the light of material available and principle of law laid down in **Amit Kapoor** (supra) and **Dinesh Tiwari** (supra).

7. In view of the above, this petition under Section 482 Cr.P.C. deserves to be and is accordingly dismissed.

Sd/-
(Sanjay K. Agrawal)
Judge