

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CR.M.P. No. 915 of 2017

1. Mohan @ Lallu Verma, S/o. Late Raghav Verma, Aged About 33 Years, R/o. Nayaganj Ward Bhatapara District Balodabazar Bhatapara Chhattisgarh.
2. Prakash @ Lalla S/o Purshottam Bhanushali Aged About 33 Years R/o Nayaganj Ward Bhatapara Police Station Bhatapara City District Balodabazar Bhatapara Chhattisgarh.

---- Petitioners

Versus

1. State Of Chhattisgarh Through Its Station House Officer Bhatapara Chhattisgarh, District Balodabazar Bhatapara Chhattisgarh.
2. Narendra Kumar S/o Late Shivkumar Verma Aged About 29 Years R/o Nayaganj Ward Bhatapara Police Station Bhatapara City District Balodabazar Bhatapara Chhattisgarh.

-----Respondents

For Petitioners : Mr. B.L. Sahu, Advocate
For Respondent/State : Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

03/10/2017

Heard.

1. This petition under Section 482 of Cr.P.C. has been brought by the petitioners praying for discharge from the offences under Section 294, 186, 333/34, 427/34 & 506-B of the Indian Penal Code.
2. It is submitted, that on a complaint made by respondent No.2, an employee of Electricity Department, that he was abused and

assaulted by the petitioners at the time when he was on duty, case has been registered and after investigation, charge-sheet has been filed for the offences under Section 294, 186, 333/34, 427/34 & 506-B of Indian Penal Code.

3. The Court of Additional Sessions Judge, Bhatapara has framed the charges for offences under Section 294, 186, 333/34, 427/34 and 506-B of the Indian Penal Code against both the petitioners. Hence this petition.
4. It is submitted by the counsel for the petitioners that petitioners have been falsely implicated on the basis of false report lodged by the respondent No.2 and the false statement given by the witnesses. Medical report does not show any grievous injury caused to the respondent No.2 in the incident and also the FIR was lodged immediately 20 minutes after the incident, which shows that case is concocted, hence, petitioners are entitled for the relief of discharge.
5. Counsel for the respondent No.1/State submits that contents of charge-sheet discloses sufficient material to hold prima-facie that petitioners have committed the offence charged. Hence, there is no scope for exercise of inherent jurisdiction by this Court.
6. During the course of argument, it is submitted by the counsel for the petitioners that a revision petition was also filed on behalf of the petitioners before this Court, which has been dismissed.
7. I have heard the counsel for the parties and perused the documents placed on record.
8. As per the submission made, petitioners had option to move this by filing a revision and that option has already been exhausted

and subsequent to that this petition has been brought with prayer to exercise inherent jurisdiction on the same ground that evidence collected in investigation is not sufficient to prosecute the petitioners, which has already considered and decided by this Court in revisional jurisdiction. Consequently, on perusal of the documents, statement of witnesses, no scope is found to interfere with the order passed by the trial Court in framing charge against the petitioners, hence for these reasons, this petition can not be maintained. Accordingly this petition is dismissed at the motion stage.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram