

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Cr.M.P. No. 446 of 2017**

1. Nirmala Sahu, aged about 33 years, W/o. Shri Vikram Sahu.
2. Vikram Sahu, aged about 40 years, S/o. Shri Ramnath Sahu.

Both resident of Torwa, Police Station Torwa, District Bilaspur (Chhattisgarh).

---Petitioners**Versus**

State of Chhattisgarh, through – Station House Officer, Police Station – Mahila Thana, Raipur, District Raipur (Chhattisgarh).

---Respondent

For Petitioners : Ms. Madhunisha Singh, Advocate.
 For Respondent/State : Mr. Prasun Bhaduri, Govt. Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****06.04.2017**

1. The petitioners have been charge-sheeted for commission of offence under Section 498-A of the Indian Penal Code and they are facing trial in the jurisdictional criminal Court. The trial court by its order dated 28.01.2017 framed charges against the petitioners under Section 498-A of IPC. The petitioners challenged the order framing charge in revision before the court of Sessions. The revisional Court by its impugned order dismissed the revision finding order framing charge is in accordance with law.
2. Feeling aggrieved against that order, the instant petition under

Section 482 Cr.P.C. has been filed by the petitioners herein.

3. Ms. Madhunisha Singh, learned counsel appearing for the petitioners, would submit that if the material produced along with the charge-sheet is taken as it is no offence under Section 498-A of IPC is made out for framing of charges against the petitioners.

4. On the other hand, Mr. Prasun Bhaduri, learned Government Advocate appearing for the respondent/State, would submit that the trial Court has rightly framed the charge and order need no interference.

5. I have heard learned counsel appearing for the parties, considered their rival submissions made herein and also gone through the documents appended with the criminal revision with utmost circumspection.

6. 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 Tiwari v. State of Uttar Pradesh and another**²).

7. Applying the principle of law laid down by the Supreme Court in

1 (2012) 9 SCC 460

2 (2014) 13 SCC 137

Amit Kapoor(supra) and **Dinesh Tiwari** (supra) to the facts of the case and taking into account the statement of Smt. S. Sahu, the trial Court has reached to the *prima facie* conclusion that it is a case where there is material available on the record for presuming that the petitioners have committed the offence and thereby framed the charges for aforesaid offence, as such, revisional Court has affirmed the order framing charge, I do not find any jurisdictional error or illegality requiring interference in the order framing charge so far as Section 498-A of the IPC is concerned in the light of material available and principle of law laid down in above-stated judgments of the Supreme Court.

8. Consequently, the petition filed under Section 482 of Cr.P.C. deserves to be and is hereby dismissed.

Sd/-

(Sanjay K. Agrawal)
Judge

L/-