

HIGH COURT OF CHHATTISGARH, BILASPURCr.M.P. No. 484 of 2017

Laxminarayan Rahi, aged about 57 years, S/o. Gokul Prasad Rahi,  
R/o. Transport Nagar, Near Railway Crossing, Budapara Korba,  
District Korba  
Probation Officer, Social Welfare Department, Behind Zila  
Panchayat, Chhote Atarmuda, Raigarh, District Raigarh  
(Chhattisgarh)

----Petitioner

Versus

Annapurna Rahi, aged about 55 years, W/o. Laxminarayan Rahi,  
Opposite Company Garden, Masjid Road, Ravi Tent House Lane,  
Dabripara Bilaspur, P.S. Civil Lines, Tahsil and District Bilaspur  
(Chhattisgarh).

---Respondent

---

For petitioner : Mr. Mukesh Sharma, Advocate.

---

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

17.04.2017

1. This petition is directed against order dated 20.02.2017 passed in Criminal Revision No. 103/2016 by which the petitioner's revision petition challenging the order dated 25.06.2016 *i.e.* an order framing charge, has been dismissed thereby affirming the order passed by the Trial Magistrate.

2. Mr. Mukesh Sharma, learned counsel appearing for the petitioner would submit, that there is no material to frame charge under Section 494 of Indian Penal Code against the petitioner, even if the entire material produced by other side is taken as it is.

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

4. 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**<sup>1</sup> and **Dinesh Tiwari v. State of Uttar Pradesh and another**<sup>2</sup>)

5. 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 record for presuming that the petitioner has committed the offence and thereby framed the charge for aforesaid offence, as such, I do not find any jurisdictional error or illegality requiring interference in the order framing charge so far as Section 494 IPC is concerned in the light of material available and principle of law laid down in **Amit Kapoor** (supra) and **Dinesh Tiwari** (supra).

6. As a fallout and consequence of the aforesaid discussion, the petition under Section 482 Cr.P.C. deserves to be and is accordingly dismissed.

Sd/-  
(Sanjay K. Agrawal)  
Judge

---

1 (2012) 9 SCC 460

2 (2014) 13 SCC 137