

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 1364 of 2017**

- Dau Lal Dhruv S/o Lagte Dube Ram Dhruv, Aged About 50 Years R/o Village Kukurdi, P.S. Balodabazar, District Balodabazar, Chhattisgarh

---- Petitioner**Versus**

- State Of Chhattisgarh Through District Magistrate Balodabazar, District Balodabazar-Bhatapara, Chhattisgarh

---- Respondent

For Petitioner : Shri Samir Singh, Advocate.

For Respondent No.4/State : Shri Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****03/10/2017**

Heard.

1. Learned counsel for the petitioner submits that petitioner has been charged by the trial Court for the offences under Sections 294, 506 & 323/34 of Indian Penal Code (for short 'IPC'). Framing of charge was challenged by Criminal Revision No.80 of 2016 before the Court of Sessions Judge, Balodabazar and the revision petition has been dismissed vide order dated 2.8.2017.
2. It is submitted that the petitioner had filed some documents before the trial Court, which were not taken into consideration before framing of charge and also that the FIR was lodged after a delay of almost 2 months, hence, the prosecution against the petitioner is false which may be quashed.
3. Learned counsel for the State has opposed the petition and submission made by the petitioner.
4. Heard both the parties and perused the documents on record.

5. On perusal of copy of FIR, it is apparent that there is a clear and direct statement against the petitioner and co-accused, which prima facie constitute the offences charged against them. The delay in lodging the FIR and the document submitted in defence can be made a ground of defence by the petitioner for consideration by the trial Court. Hence, this petition is not fit for admission which is dismissed at the admission stage.

Sd/-
(Rajendra Chandra Singh Samant)
JUDGE

Nisha