

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 1108 of 2016**

- Ashish Gharami @ Babon S/o Tapan Kumar Gharami Aged About 29 Years R/o Godaripara, Kothari Quarter No. 06/07 Police Station Chirmiri, District Korla, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The S.H.O. Chirmiri District Korla Chhattisgarh.

---- Respondent

For Applicant	:	Shri Raj Kumar Gupta, Advocate.
For Respondent	:	Shri R.K.Jaiswal, P.L.

Hon'ble Shri Justice Sanjay Agrawal**Order On Board****06/01/2017**

Heard on admission.

2. This is a revision under Section 397 & 401 of the Code of Criminal Procedure, 1973 (for short, the Code) against the order dated 11.11.2016, by which, the learned Second Additional Sessions Judge, Manendragarh, has framed the charge under Section 306 of the Indian Penal Code against the present applicant after considering prima facie evidence available on record.

3. It is submitted by Shri Raj Kumar Gupta, learned counsel for the applicant that on the basis of delayed first information report, the charge has been framed under Section 306 of the IPC. He argued further that even in absence of the ingredients required under Section 107 of the IPC for attracting the offence of abetment, yet the charge has been framed under Section 306 of the IPC. The

charge as framed by the trial Court vide its order impugned dated 11.11.2016, therefore, deserves to be set aside.

4. I have heard Shri Raj Kumar Gupta, learned counsel for the applicant and perused the entire record carefully.

5. From perusal of the first information report and other documentary evidence, it is clear that Ku. Pinki @ Salma has committed suicide on 16.12.2015 by hanging herself in her own house and based upon the first information report lodged on 25.12.2015, and that after investigating the matter, the concerned Station House Officer has submitted its final report before the Judicial Magistrate First Class, Chirmiri. After considering the evidence prima facie available on record, the trial Court has framed the charge against the applicant on 11.11.2016. On perusal of the order impugned, it is clear that there is no prima facie illegality committed by the trial Court while framing the charge under Section 306 of the I.P.C., and therefore, the order impugned does not require to be interfered at this stage under the revisional jurisdiction.

5. In view of above, the revision is dismissed being devoid of merit.

Sd/-

(Sanjay Agrawal)
Judge