

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 1705 of 2017**

- Shyamsundar Dhand S/o Shri Vinod Dhand, Aged About 33 Years R/o 295 G. T. Road, Belur, District Howrah, West Bengal

---- **Petitioner****Versus**

- The State of Chhattisgarh Through The District Magistrate Raipur, District Raipur Chhattisgarh

---- **Respondent**

For Petitioner	:	Shri S.C. Verma, Advocate
For Respondent-State	:	Shri D.K. Wankhede, GA for the State

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****29/11/2017**

1. Challenge in this petition is to the order dated 13.10.2017, passed in Criminal Revision No.166/2017, whereby the charge framed under Sections 170, 419, 420, 467 & 468 of the I.P.C. passed by the JMFC, Raipur was affirmed.
2. Learned counsel for the petitioner would submit that even if the contents of the charge-sheet are admitted the charge under the subject sections are not made out. It is contended that the identity of the petitioner has been established. Consequently, the alleged allegation has also not been proved. It is further submitted that under these facts the petitioner prays for discharge of the charges framed.
3. Perused the order of the Court below. It is alleged that the petitioner

projected himself to the I.B. Officer and stayed at circuit house thereafter deceived different persons. The order records that the petitioner projected himself to be the Officer of I.B. And forged Identity Card and the voter card were also seized, therefore, he has deceived the different people.

4. After evaluating the evidence which are on record at this stage it would not be proper to go back following the principles laid down in case of ***State of Rajasthan v. Fatehkaran Mehdu, reported in AIR 2017 SC 796*** wherein it is stated that at the stage of framing of a charge, the Court is concerned not with the proof of the allegation rather it has to focus on the material and form an opinion whether there is strong suspicion that the accused has committed an offence, which if put to trial, could prove his guilt. The framing of charge is not a stage, at which stage final test of guilt is to be applied.
5. Considering the same, since the Judicial Magistrate First Class has already framed the charge after going through the entire charge sheet, I do not find any reason to interfere with such framing of charge in exercise of power under Section 482 of Cr.P.C.
6. In this of the above, the petition has no merit and accordingly it is dismissed.

Sd/-

Goutam Bhaduri

Judge

Ashu