

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 1734 of 2017**

- Govind Prasad Patel S/o Ganesh Prasad Patel Aged About 68 Years Sub - Engineer, P. W. D., Sub Division, Pandaria, District Kabirdham Chhattisgarh. At Present Resident Of Ward No. 20, Swami Vivekannad Ward, Harda, Tahsil Harda, District Harda (M. P.)

---- Petitioner**Versus**

1. Rakesh Pandey S/o Jhumul Lal Pandey Aged About 47 Years Posted As Timekeeper At P. W. D. Department, Pandaria Sub Division, District Kabirdham Chhattisgarh. At Present Posted At P. W. D. Champa, District Janjgir Champa Chhattisgarh.
2. State of Chhattisgarh, Through The Station House Officer, Police Station Pandaria, District Kabirdham Chhattisgarh.

---- Respondents

For Petitioner	:	Shri K.A. Ansari, Sr. Adv. with Shri Ramesh Nayak, Advocate
For Respondent-State	:	Shri S.K. Mishra, PL for the State

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****06/12/2017**

1. Heard.
2. Primarily this petition is against the framing of charges in a complaint which has been registered as Criminal Case No.482/2012.
3. Learned counsel for the petitioner would submit that respondent No.1 was working under the petitioner and various complaints were made to remove him from the department of P.W.D. since he failed to discharge his job and abide by the instructions of superior. It is contended that the complainant was working as a timekeeper and the petitioner was working as Sub-

Engineer, who is superior to him. Consequently, in order to overcome the reports made by the petitioner against the respondent No.1, he filed a complaint under Sections 497 & 500 of the I.P.C. He would further submit that evidence on record would show that no prima facie case is made out against the petitioner.

4. Perusal of the record would show that on 14.08.2012 on a complaint filed by respondent No.1, the cognizance was taken. Consequently, the charges were framed against the petitioner on 29.05.2014 under Section 497 of the I.P.C. It appears that thereafter on different dates the case was fixed for evidence. Thereafter, against such framing of charge, the revision was filed, which was also dismissed by the Additional Sessions Judge, Kibirdham on 04.03.2015.
5. Both the Courts below i.e. the JMFC and the Revisional Court has prima facie found that the offence alleged to have been made out and thereafter the charges were framed.
6. The scope of interference and exercise of jurisdiction under Section 397 of Cr.P.C. was again reiterated by the Supreme Court in case of ***State of Rajasthan Vs. Fatehkaran Mehdu, reported in AIR 2017 SC 796***. It is stated that at the stage of framing of 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.
7. Applying the aforesaid principles in this case, after going through the documents, defence adduced by the petitioner cannot be accepted as gospel truth and he will be at liberty to confront the witnesses with the

necessary documents at the stage of evidence when the witnesses are cross-examined.

8. Therefore, in view of the forgoing discussion, I am not inclined to interfere with the order of framing of charge at this stage. Accordingly, the petition suffers with delay and laches is dismissed.

Sd/-
Goutam Bhaduri
Judge

Ashu