

HIGH COURT OF CHHATTISGARH, BILASPURCriminal Revision No.369 of 2017

Ashok Soni, S/o. Ram Chandra Soni, aged about 53 years, presently working as Assistant Manager, R/o. MIG-II/428, Sector-2, Deendayal Upadhyay Nagar, Raipur, P.S. – D.D. Nagar, District Raipur (Chhattisgarh).

-----Applicant
(In Jail)

Versus

State of Chhattisgarh, through P.S. State Economic Offence Investigation Bureau, District Raipur (Chhattisgarh).

---Non-applicant

For Applicant:	Mr. Kishore Bhaduri, Advocate.
For Non-applicant/State:	Mr. S. M. Ali, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

10.04.2017

1. Heard on the application for condonation of delay in filing the revision.
2. Learned counsel for the applicant would submit that the applicant is languishing in jail and therefore could not take proper and adequate steps to file the revision right in time, therefore, delay in filing the revision may be condoned.
3. However, learned counsel for the State would oppose.
4. Taking into consideration the grounds raised and urged in support of the application for condonation of delay, the said application is allowed, as sufficient cause has been shown for delay in filing the

revision.

5. Also heard on the question of admission.

6. The applicant is facing trial pursuant to the charge-sheet filed by the State of Chhattisgarh through Anti-Corruption Bureau, Raipur and by the impugned order, learned Special Judge has framed charges against the applicant for offences punishable under Sections 13(1)(a), (d), 13(2) and 11 of Prevention of Corruption Act, 1988 read with Sections 120-B, 409, 420, 466, 467 and 468 of the I.P.C.

7. Feeling aggrieved against the order framing charge, the applicant / accused herein has filed this revision petition questioning the impugned order stating *inter alia* that no charges are made out against the applicant and he is entitled for discharge.

8. Mr. Kishore Bhaduri, learned counsel for the applicant, would submit that learned Special Judge is absolutely unjustified in framing charge against the applicant as there is no material at all against the applicant for framing charges. He would further submit that there is no seizure of money from the present applicant. He would also submit that the quality of rice was not found sub-standard and there is no material to implicate the applicant for offence under Section 120-B of the I.P.C.. No loss to the Corporation has occurred by the act of the applicant. He would lastly submit that there is no FIR lodged in the present case by complainant and as such the order framing charge deserves to be set aside.

9. On the other hand, Mr. S.M. Ali, learned Panel Lawyer appearing

for the respondent/State, would submit that the trial Court has rightly framed the charge and order need no interference.

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

11. 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**¹ and **Dinesh Tiwari v. State of Uttar Pradesh and another**²].

12. Applying the principle of law laid down by the Supreme Court in **Amit Kapoor** (supra) and **Dinesh Tiwari** (supra), if the facts of the present case are examined, it is quite *vivid* that the Special Judge has reached to the *prima facie* conclusion that it is a case where there is material on record for presuming that the applicant has committed the offence and he can be put to trial for those offences framed charge for the aforesaid offences. The order framing charge is based on material on record, it is neither perverse nor contrary to the record. I do not find any jurisdictional error or illegality requiring interference in the order framing charge for offences under Sections

1 (2012) 9 SCC 460

2 (2014) 13 SCC 137

13(1)(a), (d), 13(2), 11 of Prevention of Corruption Act, 1988 read with Section 120-B, 409, 420, 466, 467 and 468 of the I.P.C. are concerned in light of material available on record and the principles of law laid down in the aforesaid judgments of the Supreme Court.

13. Consequently, the revision petition filed under Section 397/401 of the Cr.P.C. deserves to be and is hereby dismissed, at the admission stage itself.

Sd/-
(Sanjay K. Agrawal)
Judge