

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No.51 of 2018

Dr. Rajveer Singh Sikarwar, S/o Shri Bhawar Singh Sikarwar, aged about 43 years, R/o 56, Amaltash Colony, Behind Bachpan Play School, Mangla Chowk, P.S. Civil Line, Bilaspur, Tahsil and District Bilaspur, Chhattisgarh

---- Applicant

versus

State of Chhattisgarh through Station House Officer, Police Station Civil Line, District Bilaspur, Chhattisgarh

--- Respondent

For Applicant	:	Shri Ravindra Sharma, Advocate
For State/Respondent	:	Shri Sumit Jhanwar, Panel Lawyer

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

15.2.2018

1. The revision is listed for hearing on admission. With the consent of Learned Counsel appearing for the parties, the matter is heard finally.
2. The revision is directed against the order dated 25.10.2017 passed by the 1st Additional Sessions Judge, Bilaspur in Sessions Trial No.97 of 2017, whereby the Learned Additional Sessions Judge has framed charges against the Applicant/accused for offence punishable under Sections 308 and 323 of the Indian Penal Code.
3. Complainant Trilochan Singh lodged First Information Report on 12.4.2017 at about 9:30 p.m. alleging that on the same day at about 8:45 p.m., while returning from 27 Kholi Chowk, Bilaspur, the Applicant/accused came to the place of occurrence in his car bearing registration No.CG 10 AC 1150 and with an intent to commit culpable homicide, dashed the motorcycle of the Complainant and thereafter started giving assaults with a baseball bat and caused injuries to him. The police registered a case and

on completion of investigation, a charge-sheet was filed against the Applicant for offence punishable under Sections 308 and 323 of the Indian Penal Code. Vide the impugned order dated 25.10.2017, the Learned Additional Sessions Judge has framed charges against the Applicant for offence punishable under Sections 308 and 323 of the Indian Penal Code. Hence, this revision.

4. Learned Counsel appearing for the Applicant argued that without considering the facts of the case and the statement of the Complainant and ignoring the fact that the Complainant had received simple injury and it was a simple case of a road accident, the Learned Additional Sessions Judge has framed the charges against the Applicant. It is further argued that initially the police had registered First Information Report for offence punishable under Sections 279 and 308 of the Indian Penal Code, but, later on, charge-sheet was filed for offence punishable under Sections 308 and 323 of the Indian Penal Code. From the evidence collected by the prosecution, no case under Section 308 of the Indian Penal Code is made out against the Applicant.
5. Per contra, Learned Counsel appearing for the State supported the impugned order.
6. I have heard Learned Counsel appearing for the parties and perused the material available with due care.
7. The First Information Report was lodged by Complainant Trilochan Singh on 12.4.2017 at about 9:30 p.m. alleging that on the same day at about 8:45 p.m., when he reached at the chowk, the Applicant was sitting nearby in his car bearing registration No.CG 10 AC 1150. Having seen him, the Applicant came towards him

driving his car rashly and dashed his motorcycle. He fell down and his motorcycle stuck in the bumper of the car of the Applicant. The Applicant with an intent to assault him chased him and pressed his motorcycle in a wall. When he tried to get up, the Applicant took out a baseball stick from his car and assaulted him with the said stick. It is also mentioned in the FIR that there was a previous enmity between them and earlier also the Applicant had threatened him of his life. In his statement under Section 161 of the Code of Criminal Procedure, Complainant Trilochan Singh has made the same statement. Ravindra Sharma and Kamal Jabbal have also supported the statement of Complainant in their statements recorded under Section 161 of the Code of Criminal Procedure.

8. Taking into consideration the above evidence, I find that a *prima facie* case under Sections 308 and 323 of the Indian Penal Code is made out against the Applicant/accused. Therefore, the Trial Court has rightly framed the charges.
9. In the result, the revision is dismissed. The impugned order is affirmed.

Sd/-
(**Arvind Singh Chandel**)
Judge