

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CR.M.P. No. 328 of 2018**

Pramod Singh, S/o. Shankar Dayal Singh Rajput, Aged About 50 Years, R/o.
Village Baya Rajadevri, District Baloda Bazar Bhatapara Chhattisgarh

---- Petitioner**Versus**

State Of Chhattisgarh, Through Station House Officer, Police Station
Gidhouri, District Baloda Bazar Bhatapara, Chhattisgarh

---- Respondent

For Petitioner	:	Mr. Hemant Gupta, Advocate
For State	:	Mr. S.R.J.Jaiswal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****08.05.2018**

Heard

1. The present petition is against the order dated 08.01.2018 passed by the Sessions Judge, Baloda Bazar, in Criminal Revision No.67/2017. By such order, the charge which were framed by the order dated 11.10.2017 by the Judicial Magistrate First Class, Bilaigarh, against the petitioner under Section 507, 471 of I.P.C. read with Section 66-C of the I.T. Act was affirmed.
2. Learned counsel for the petitioner would submit that the allegations have been made that on 26.01.2015 from the Mobile No.9669615555 a call was made to the complainant Hemant Dubey and he was threatened not to take out a rally during the election and was further extended threat that in case he do so, he will be falsely inculpated in an offence of SC ST Act. He submits that the call details which is the part of the charge sheet shows that on 26.01.2015 no call was made from the mobile which is said to belong to the petitioner. He further

submits that another phone number 9165115555 also is being alleged to belong to the applicant but no call was made from the same number, which would be evident from the record of the prosecution itself. He submits that both the phone numbers were recorded in name of Ramchandra Mourya, therefore, only on the political rivalry the allegations have been made and as per the call details of the prosecution itself in absence of any call no offence can be said to have been made.

3. Learned State counsel opposes the argument advanced by the counsel for the petitioner.
4. The charge sheet contains the statement of Devanand Nayak, Munna Nayak & Sabir Ali, they have stated that the phone No.9165115555 was being used by the present petitioner and name of the petitioner is saved in the call details. The FIR is dated 29.01.2015 wherein it is stated that the call was made on 26.01.2015. The call details records shows that on 26.01.2016 at 23:11:49 a call was made to 9691668700 which is claimed to be that of the complainant from the alleged mobile. The statement of the witness shows that the mobile which is alleged by which the call was made was being used by the petitioner, therefore, at this stage, taking into such fact, the call detail when supports the fact that the call was made from the mobile which was allegedly used by the petitioner to the complainant, no interference can be made in framing of the charge as prima facie it reflects the commission of offence.
5. In view of the above, the petition has no merit and it is dismissed.

Sd/-
(Goutam Bhaduri)
Judge