

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 449 of 2018**

1. Shailendra Singh S/o Shankar Singh Aged About 40 Years
2. Pramod Singh S/o Shankar Singh Aged About 50 Years

Both R/o Village Jhalap, Police Station Pateva, Tahsil And District
Mahasamund Chhattisgarh

---- **Petitioners****Versus**

- State of Chhattisgarh Through Collector, Mahasamund, District
Mahasamund Chhattisgarh

---- **Respondent**

For Petitioners	:	Shri Manoj Paranjpe, Advocate
For Respondent-State	:	Shri S.K. Mishra, PL for the State

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****09/04/2018**

1. Heard.
2. The present petition is against the order dated 11.01.2018 passed in criminal revision No.H 58/2017 by the Sessions Judge, Mahasamund (C.G.) by such order the learned court below has affirmed the order dated 14.07.2017, whereby the charges have been framed in Criminal Case No.S2712/2016 {C.G. State Vs. Shailendra Singh and another} by the Chief Judicial Magistrate, Mahasamund.
3. As per the prosecution case, a charge-sheet was filed against the petitioner that on 31.05.2016 the police constable Pranali Vaidhya at about 6.30 pm had went to village Jhalap to investigate the crime bearing No.20/2015

registered under Section 507 IPC as per the instructions of the higher police officials. While they were making enquiry, the petitioner herein came there, obstructed them to discharge their duty and abused them in filthy language. Consequently, a report was made at Police Station Patewa by the complainant. Learned Court below after evaluating the charge-sheet has framed the issues on 14.07.2017 and framed charges under Sections 186, 294 read with Section 34 IPC, which was subject of challenge before the revisional Court and the revisional Court by its order dated 11.01.2018 affirmed the framing of charges. Hence this petition.

4. Learned counsel for the petitioners would submit that there is nothing on record to show that the complainant was in discharge of her official duty on the date of incident. He would further submit that neither any certificate has been published by the prosecution about the duty order, nor any other evidence is on record to show that they were authorized to enquire the crime. He would further submit that the complainant forcefully tried to enter the premises, as such it was opposed, consequently, false allegations have been attributed.
5. Perused the document filed along with this petition. Also perused the statements of complainant Pranali Vaidhya, R. Naveen Kumar Shukla, Mohan Meshram etc. In their statements they have stated that while they were investigating the crime and went to village Jhalap, the petitioner came there, abused them and also extended threat to assault in the office of the complainant, wherein they went for investigation.
6. The Supreme Court in the case of **Shoraj Singh Ahlawat Vs. State of U.P.** Reported in **{AIR 2013 SC 52}** has observed that the Court trying the case can direct discharge only for the reasons to be recorded by it and only if it

considers that the charges against the accused to be groundless.

7. Applying the aforesaid principle in this case and further it being a case of summons, I am not inclined to interfere with the order of framing of charge at this stage. Accordingly, the petition is dismissed.

Sd/-

Goutam Bhaduri

Judge

Ashu