

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No.382 of 2018**

1. Vinod Kumar Kashyap, son of Shri Tijram Kashyap, aged about 23 years, resident of Mahadev Ghat Raipura, District Raipur, Chhattisgarh
2. Pratik Sharma, S/o Pravin Sharma, aged about 21 years, R/o Ganpati Vihar Colony, Changorabhatha, Police Station D.D. Nagar, Raipur, District Raipur, Chhattisgarh
3. Muskan Sahu, S/o Daymand Sahu, aged about 21 years, R/o Bramhan Para, Near Sai Mandir, Raipur, Police Station Aajad Chowk, Raipur, District Raipur, Chhattisgarh
4. Kunal Sharma, S/o Narendra Sharma, aged about 18 years, R/o Bramhan Para, Near Sai Mandir Raipur, Police Station Aajad Chowk, Raipur, District Raipur, Chhattisgarh
5. Vivek Gadewal, S/o Ashok Gadewal, aged about 24 years, R/o Sunder Nagar, Raipur, Police Staton Purani Basti, Raipur, District Raipur, Chhattisgarh
6. Krishna Kumar Sonkar @ Ravi, S/o Vasudev Sonkar, aged about 23 years, R/o Kushalpur Tiranga Chowk, Raipur, Police Station Purani Basti, Raipur, District Raipur, Chhattisgarh, Near Sai Mandir, Raipur, Police Station Azad Chowk, Raipur, District Raipur, Chhattisgarh

---- Applicants**versus**

State of Chhattisgarh through Saraswati Nagar, Raipur, Chhattisgarh

--- Respondent

For Applicants	: Shri Pawan Kumar Kesharwani, Advocate
For Respondent/State	: Shri Neeraj Sharma, Dy. Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board****15.5.2018**

1. Heard on admission.
2. The revision has been preferred against the order dated 13.2.2018 passed by the 1st Additional Sessions Judge, Raipur in Sessions Trial No.205 of 2017, whereby the Trial Court has framed charges against the Applicants under Sections 294, 506 Part II, 341, 353, 333, 333/149, 332 and 332/149 of the Indian Penal Code.
3. The prosecution story, in brief, is that on 23.8.2017, Complainant

Assistant Sub-Inspector Asrar Ali lodged a complaint against the Applicants that 60-70 activists of National Students Union of India (N.S.U.I.) including the present Applicants, suddenly, without information to the police authorities, were deliberately creating traffic-jam in front of University Gate, G.E. Road, Raipur. On receiving the information, Assistant Sub-Inspector Asrar Ali along with other police personnel went to the spot and tried to settle the dispute, but the activists did not agree and scuffled with the police officials. It is alleged that the present Applicants pushed the police officials down, as a result of which Complainant Assistant Sub-Inspector Asrar Ali sustained injuries on his left ankle and left knee. The Applicants and the other accompanied activists assaulted the other police personnel also. On the basis of the said incident, an offence has been registered and a charge-sheet has been filed under Sections 147, 341, 186, 353, 332 and 333 of the Indian Penal Code. Vide the impugned order dated 13.2.2018, the Trial Court has framed the charges against the Applicants as mentioned in the first paragraph of this order.

4. Learned Counsel appearing for the Applicants submits that the prosecution case lacks the basic ingredients of the offence alleged against the Applicants. The prosecution case itself shows that the activists of the National Students Union of India ran away when the police force reached the spot. There is no material on record to reflect intention on the part of the Applicants to commit the alleged offence. No offence under Sections 353 and 333 of the Indian Penal Code is made out against the Applicants. The Trial Court, without considering the facts and material available in the charge-sheet, framed the charges against the Applicants. Hence, the

impugned order is passed by the Trial Judge without application of judicial mind.

5. Learned Counsel appearing for the State/Respondent supports the impugned order and submits that there is sufficient material available against the Applicants for framing of the charges for the offence committed by them.
6. I have heard Learned Counsel appearing for the parties and perused the material available with due care.
7. The present is a named First Information Report against the Applicants. Even in the statements recorded under Section 161 of the Code of Criminal Procedure, the names of the Applicants are mentioned. As per the medical report also, it reveals that the Complainant had sustained grievous injury. Sufficient evidence is available on record against the present Applicants. I find that on the basis of the material available, the Trial Court has rightly framed the charges against the Applicants under Sections 294, 506 Part II, 341, 353, 333, 333/149, 332 and 332/149 of the Indian Penal Code.
8. Thus, I find no merit in the instant revision. It is, therefore, dismissed at the motion stage itself.

Sd/-
(Arvind Singh Chandel)
Judge