

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 1097 of 2018

1. Dhananjay Singh, S/o. Shiv Balak Singh, Aged About 24 Years.
 2. Deepak Prasad, S/o. Ramanand Prasad, Aged About 35 Years.
- Both R/o. Village Karanji, Chowki Karanji, P.S. Bishrampur, District Surajpur Chhattisgarh

---- Petitioners

Versus

1. State Of Chhattisgarh, Through The Station House Officer, Police Station Bishrampur, District Surajpur, Chhattisgarh
2. Kamla, W/o. Late Rajan Ram Ghasiya, Aged About 37 Years, R/o. Village Karanji, Chowki Karanji, P.S. Bishrampur, District Surajpur Chhattisgarh

---- Respondents

For Petitioners : Mr. Praveen K. Dhurandhar, Advocate

For Respondent : Ms. Astha Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

17.08.2018

Heard

1. This petition is against the framing of charge under Section 304-A of Indian Penal Code.
2. Learned counsel for the petitioners submits that the petitioner No.1 Dhananjay Singh was the driver of the offending vehicle and the petitioner No.2 Deepak Prasad was the owner of the vehicle/ motorcycle bearing No.C.G. 15 CB 8152, which is alleged to have met with an accident. It is contended that one Rajan Ram Ghasiya died because of the accident occurred on 25.09.2017. He submits that the death was not because of the accident but the injured was willfully got discharged and taken away by the relatives from one hospital to another, which caused the death.
3. Perused the case file. Along-with the petition neither the statement nor any documents have been placed on record. Only the copy of

the merg intimation is placed. The counsel only relies on the averments made in the merg intimation and would submit that the injured was willfully got discharged by the relatives. The petition can be as vague as it can be. No document has been placed on record to appreciate the submission and only on the basis of merg intimation the submission are advanced. Therefore, when the Court has framed the charges under Section 304-A of I.P.C. what was the material before it has not been placed and further it is a settled proposition that at the stage of framing of charge, the Court is concerned not with the proof of the allegation rather it has to focus on the material and form an opinion whether there is strong suspicion that the accused has committed an offence, which if put to trail, could prove his guilt. The framing of charge is not a stage, at which stage final test of guilt is to be applied. The said ratio is laid down in case of ***State of Rajasthan v. Fatehkaran Mehdu***, reported in ***AIR 2017 SC 796***.

4. Considering the same since nothing is on record to appreciate, I am not inclined to interfere with the order of framing of charge against the petitioners at this stage. Accordingly, the petition has no merit and is dismissed.

Sd/-
(Goutam Bhaduri)
Judge