

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 1127 of 2018**

Ramgopal Sahu S/o Late Ghansiram Sahu Aged About 62 Years
R/o- Gram Hardi, P.S. Balauda District- Janjgir-Champa,
Chhattisgarh, Retd, Bank Manager Gramin Bank, Magarlod,
District- Dhamtari, Chhattisgarh. ---- **Petitioner**

Versus

1. State Of C.G. Through- District Magistrate Dhamtari, District- Dhamtari, Chhattisgarh.
2. Station House Officer P.S. Magarlod, District- Dhamtari, Chhattisgarh.

----**Respondents**

For petitioner- Shri Raj Kumar Gupta, Advocate.
For State- Shri Sangarsh Pandey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri**Order****27/06/2018**

Heard.

1. Instant petition is against the order dated 15/02/2018 passed in Criminal Revision No.05/2018 whereby by such order learned court below has affirmed framing of charge which was framed by the JMFC by an order dated 29/08/2017.
2. It is contended by the petitioner that as per report made by one Rameshwar Kanwar on 4/03/2017 that some forged loan was obtained in his name by the other co-accused FIR was registered and despite the fact the petitioner has not been named in the FIR petitioner has been arrayed as accused. It is contended that after reading of the entire FIR and statement would show that there is no offence is made out, therefore charges so framed against the petitioner under sections 420/34, 467, 468, 471, 120B, 256 of IPC by the court below is required to be set aside.
3. Perusal of the report made by the Rameshwar Kanwar would show that in the year 2014 Ishwar Sahu and one Vijay came to him stated that they are obtaining loan and he has to identify as a witness, as such he

went to the bank and he signed certain papers. Subsequently, on 2/03/2017 Branch Manager came to him and stated that he has obtained loan by mortgage of immovable property, therefore it came to notice that on the basis of forged document loan has been obtained. Petitioner was working as Branch Manager at the relevant time and loan was disbursed. Charges under section 120-B of IPC has also been framed, therefore what is the role played by the petitioner cannot be adjudicated on the mere submission of the petitioner. Reading of order of both the court below would show that the learned court below after going through the entire record came to conclusion that sufficient material exist in respect of the petitioner to frame charges.

4. Supreme court in case of **State of Rajasthan Vs. Fatehkaran Mehdu**, reported in **AIR 2017 SC 796** has held 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 trial, could prove his guilt. The framing of charge is not a stage, at which final test of guilt is to be applied.

5. Applying the aforesaid principles in this case, after going through the documents, defence adduced by the petitioner cannot be accepted as gospel truth and he will be at liberty to confront the witnesses with the necessary documents at the stage of evidence when the witnesses are cross-examined.

6. Therefore, in view of the forgoing discussion, 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

