

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No. 697 of 2018

1. Raja Yadav S/o of Kalicharan Yadav, aged about 22 years,
2. Nitesh @ Monu S/o Balram Kaushik, aged about 18 years 6 months,
3. Nilesh @ Soni S/o Balram kaushik, aged about 21 years,
All are R/o. Vinoba Nagar, Bilaspur, District- Bilaspur (C.G.).
4. Laxman Yadav S/o Raju Yadav, aged about 18 years 5 months, R/o
Dipupara, P.S. Tarbahar, Bilaspur, District- Bilaspur (C.G.).

--- Applicants

Versus

State of Chhattisgarh, Through: The Station House Officer, Police Station
Tarbahar, Bilaspur, District- Bilaspur (C.G.).

---- Respondent

For Applicants	:	Mr. Rajeev Kumar Dubey, Advocate
For Respondent	:	Mrs. Smita Ghai, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

01/10/2018

1. This revision has been preferred against the order dated 17/04/2018 passed by 8th Additional Sessions Judge, Bilaspur in S.T. No. 42/2018, whereby the learned Sessions Judge, Bilaspur has framed the charges under Sections 294, 506-B, 323/34, 324/34 and 307/34 of the IPC against the accused/applicants.
2. As per prosecution story, it is alleged that on 19/01/2018, at about 11 pm near Gayatri Nagar, all the applicants abused complainants- Nikhil Srivas, Akash, Yash, Anubhav and Pradeep Gandharava and also assaulted them by sharp edged weapons. On account of the assault,

Yash, Pradeep and Anubhav sustained injuries. The applicants also threatened them to kill. On the basis of report lodged by the complainants, offence has been registered against the applicants for the offence punishable under Sections 294, 506-B, 323/34, 324/34 and 307/34 of the IPC. All injured persons were sent for medical examination. After investigation, a charge-sheet was filed. Vide impugned order dated 17/04/2018, the learned trial Court has framed the charges against the applicants.

3. Learned counsel for the applicant submits that prima-facie no case under Section 307/34 of the IPC is made out against any of the applicants. There is no material available on record which indicates that the applicants have assaulted the injured persons with an intent to cause their murder and since there was pre-planned devise to assault upon the injured, the charges framed against the applicants deserves to be quashed and the case under Section 324/34 can be made out against them.
4. Learned counsel appearing on behalf of the State opposes the same and supported the impugned judgment.
5. I have heard learned counsel for the parties and perused the material available.
6. Injured- Pradeep Gandarvha was medically examined on 20/01/2018. As per his medical report, he sustained 8 incised wounds on the different parts of his body including the head. The injuries were caused by hard and sharp edged weapon. Injured- Anubhav sustained two incised wounds. Injured- Nikhil sustained two incised wounds and injured-

Akash also sustained one incised wound.

7. It is clear that injuries were caused by knife and injured- Pradeep sustained total 8 incised wounds on his body. Though these injuries were found of simple nature, they are caused on vital parts of the body. In these circumstances, prima-facie it is clear that there is sufficient material available on record on the basis of which the charges under Section 307/34 of the IPC is made out. Therefore, the learned trial Court has rightly framed the charges.
8. Consequently, I do not find any merit in this revision. The same is dismissed.

Sd/-
(Arvind Singh Chandel)
Judge