

HIGH COURT OF CHHATTISGARH, BILASPUR**Cr.M.P. No. 896 of 2019**

Akash Tiwari, S/o. Late Prabhu Lal Tiwari, aged about 39 years, R/o. Chaubey Colony, Raipur (C.G.)

---Petitioner

Versus

State of Chhattisgarh through District Magistrate, Raipur (C.G.).

---Respondent

For petitioner	:	Mr. Harshwardhan Parganiha, Advocate.
For State	:	Mr. Ravi Bhagat, Dy. Govt Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

24.04.2019

- (1) Heard on the question of admission and grant of stay.
- (2) The trial court on the basis of material available on record framed charges under Section 294, 506, 323, 354 and 354(D) IPC against the petitioner/accused. He questioned that order by way of revision before the revisional court, the said court affirmed the order of trial court framing charge against the petitioner, against which this petition under Section 482 Cr.P.C. has been filed.
- (3) Learned counsel for the petitioner would submit that both the courts are absolutely unjustified in holding that there are sufficient material against the petitioner for framing charges for above-stated offences. He would further submit that there is no material against the present petitioner for framing charges

for above-stated offences and therefore he deserves to be discharged by setting aside the impugned order of framing charges and revisional order as well.

(4) Learned counsel for State would support the impugned order.

(5) I have heard learned counsel for the parties and considered their rival submissions made hereinabove and went through the record with utmost circumspection.

(6) The law with regard to interference in the order framing charge is well settled. At the state of framing of charge, the court has to consider the material with a view to find out, if there is ground for presuming that an accused had committed offence and not for the purpose of arriving at a conclusion that it is not likely to lead a conviction. { **See : Amit Kapoor Vs. Ramesh Chander & another¹** and **Dinesh Tiwari Vs. State of U.P.²** }.

(7) The charges framed against the petitioner is that on 13.01.2016 and 20.01.2016 he outraged the modesty of complainant and stalked her and also threatened her to kill by abusing in public place and thereby also caused simple injury.

(8) Reverting to the facts of the case in light of principles of law laid down by the Supreme Court in the abovestated judgments, it is quite vivid that trial Court as well as revisional Court both have come to the *prima facie* conclusion that it is a case where there is material available on the record for presuming that petitioner has committed the offence and there is sufficient material for framing charge, in

1 (2012) 9 SCC 460

2 (2014) 13 SCC 137

which I do not find any illegality or perversity warranting interference under Section 482 of the Code of Criminal Procedure.

(9) Thus, petition under Section 482 Cr.P.C. deserves to be and is and accordingly dismissed leaving all the grounds/plea to be raised during the course of trial.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-