

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 941 of 2019**

1. Kuljot Kumar Kannoje @ Bittu @ Sadha, aged about 19 years S/o Lt. Mahendra Singh Kannoje.
2. Kunj Bihari Sahu @ Chotu, aged about 19 years, S/o Hemrai Sahu.
3. Ajay Kumar Yadav, aged about 19 years, S/o Nirbhaylal Yadav.
4. Sachin Manikpuri, aged about 21 years, S/o Phooldas Manikpuri.
5. Chain Singh Yadav @ Chainu, aged about 21 years S/o Nirbhaylal Yadav.

No. 1 to 5 are R/o Bajrangpur Navagaon, Ward No. 1, P.S. City Kotwali, Rajnandgaon, Chhattisgarh.

6. Sahil Thaware @ Akki, aged about 20 years, S/o Satish Thaware, R/o Motipur, Ward No. 3, P.S. City Kotwali, Rajnandgaon, Chhattisgarh.

---- **Petitioners**

Versus

State of Chhattisgarh, Through District Magistrate, Rajnandgaon, District- Rajnandgaon, Chhattisgarh.

--- **Respondent**

For Petitioners	: Mr. Rakesh Thakur, Advocate
For State/Respondent	: Mr. Ravi Bhagat, Dy. G.A.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

12.04.2019

1. The petitioners were charge-sheeted for commission of offence punishable under Sections 457, 380 & 414 read with Section 34 of the I.P.C. Thereafter charges were framed by the Trial Magistrate against the petitioners vide order dated 26/09/2018 passed in Criminal Case No. 817/2018. The petitioners questioned the order

passed by the Trial Magistrate by way of revision. The revisional Court affirmed the order of the trial Court vide order dated 24/12/2018 passed in Criminal Revision No. 133/2018 holding that there is *prima facie* material available for framing charges against the petitioners against which this Criminal Miscellaneous Petition under Section 482 of the Cr.P.C. has been preferred by the petitioners.

2. Learned counsel for the petitioners submits that the trial Court is absolutely unjustified in holding that there are materials available against the petitioners for framing the charges.
3. I have heard learned counsel for the parties, considered their submissions and went through the records with utmost circumspection.
4. Before proceeding further, it would be appropriate to notice the decision rendered by the Supreme Court in the case of ***State of Rajasthan Vs. Fatehkaran Mehdu***¹ in which Their Lordships have held as under :-

“ The scope of interference and exercise of jurisdiction under [Section 397](#) of Cr.P.C. has been time and again explained by this Court. Further, the scope of interference under [Section 397](#) Cr.P.C. at a stage, when charge had been framed, is also well settled. At the stage of framing of a 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 stage final test of guilt is to be applied. Thus, to hold that at the stage of framing the

1 (2017) 3 SCC 198

charge, the court should form an opinion that the accused is certainly guilty of committing an offence, is to hold something which is neither permissible nor is in consonance with the scheme of the Code of Criminal Procedure. ”

5. Reverting to the facts of the case, both the Courts have held that there are material available against the petitioners for framing the charges for the aforesaid offence and there are grounds for proceeding against the petitioners.
6. Both the Courts have rightly held that there are sufficient material available for proceeding further and framing the charges against the petitioners which is neither illegal nor perverse. I do not find any merit in this Cr.M.P.
7. With the aforesaid observations, this Criminal Miscellaneous Petition under Section 482 of the Cr.P.C stands disposed off. No cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge