

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No.931 of 2018

Order Reserved on : 15.11.2018

Order Passed on : 6.2.2019

Narsingh Yadav, S/o Sonau Yadav, aged about 25 years, R/o Dataod, P.S. Jaijaipur, District Janjgir-Champa, Chhattisgarh

---- Applicant

versus

State of Chhattisgarh through Station House Officer, Police Station Kharsiya, District Raigarh, Chhattisgarh

--- Respondent

For Applicant	:	Shri Surfaraj Khan, Advocate
For Respondent	:	Shri Sangharsh Pandey, Deputy Government Advocate

Hon'ble Shri Justice Arvind Singh Chandel

C.A.V. ORDER

1. The instant revision has been preferred against the order dated 20.7.2018 passed by the 3rd Additional Sessions Judge to the Court of 1st Additional Sessions Judge, Raigarh in Sessions Trial No.89 of 2017, whereby the Additional Sessions Judge has framed charges against the Applicant for the offence punishable under Sections 460/120B and 395/120B of the Indian Penal Code.
2. As per the prosecution case, in the intervening night of 15/16.4.2017 in Ganjbazar, Kharsiya, the Applicant along with other co-accused persons committed dacoity in the shop of Vijay

Agrawal and caused him hurt which resulted into his death. On completion of the investigation, a charge-sheet was filed before the Judicial Magistrate First Class, Kharsiya. The Judicial Magistrate First Class committed the case to the Sessions Judge, Raigarh. Thereafter, vide the impugned order dated 20.7.2018, the Additional Sessions Judge has framed charges against the Applicant as well as other co-accused persons. Hence, the instant revision has been filed by the Applicant.

3. Learned Counsel appearing for the Applicant submitted that the Applicant is nowhere connected with the crime in question except the phone call that the Applicant had made to one of the co-accused persons for which the Applicant has been charge-sheeted. A perusal of the entire charge-sheet shows that there is no description as to when the alleged conspiracy took place between the Applicant and other co-accused persons. At the time of committing dacoity, the Applicant was not present at the place of occurrence. The impugned order framing charges against the Applicant is erroneous and contrary to the material available on record. From the material available, no case is made out against the Applicant.
4. Learned Counsel appearing for the State/Respondent opposed the above submission made on behalf of the Applicant. He submitted that there is sufficient material available on record for framing the charges against the Applicant. Thus, the Trial Court has rightly framed the charges against the Applicant.

5. I have heard Learned Counsel appearing for the parties and perused the material available with due care.
6. As per report made by Deepak Agrawal, son of deceased Vijay Agrawal, in the intervening night of 15/16.4.2017, some unknown persons entered their house and shop. They roped in his father Vijay Agrawal, beat him and after committing his murder, they committed dacoity of jewellery and cash from their jewellery shop. During the course of investigation, memorandum statements of co-accused persons Sanjay Agrawal, Ashish Sarode, Pravin Suryavanshi, Sandeep Dongre and Sonu alias Yogesh were recorded by the prosecution. All the above co-accused persons disclosed the fact in their memorandum statements that the present Applicant met them in Kharsiya and he had made them available a vehicle on hire and he had conspired to commit dacoity in the house of deceased Vijay Agrawal. It was also disclosed by them that after the incident also, the Applicant was waiting for them at Kharsiya Railway Station. Thereafter, the cash and jewellery, which were brought by committing dacoity at the house and shop of the deceased were distributed among them at the house of Mahendra Kanwar. On the basis of that, cash of Rs.5,000/-, anklet of silver, one mobile handset and one motorcycle have also been seized from the Applicant. The seized anklet of silver has duly been identified by Deepak Agrawal, son of deceased Vijay Agrawal during test identification parade.
7. From the above, it is clear that there is sufficient evidence available against the Applicant for framing of the charges under Sections 460/120B and 395/120B of the Indian Penal Code. In the

circumstances, based on the material available, the Additional Sessions Judge has rightly framed the charges against the Applicant.

8. Consequently, I do not find any reason to interfere with the impugned order. The instant revision is, therefore, dismissed.

Sd/-

(Arvind Singh Chandel)
JUDGE