

HIGH COURT OF CHHATTISGARH AT BILASPUR**CRMP No. 2338 of 2019**

1. Dileshwar S/o Shri Jageshwar Yadav, Aged about 40 years.
2. Murlidhar Yadav S/o Dulbho Yadav, Aged about 48 years.
3. Umesh Chandra S/o Shri Chakradhar @ Prunochandra Yadav, Aged about 54 years.

All are residents of Village Mudapara, Thana and Tehsil Patthalgaon,
Civil & Revenue Distt. Jashpur, Chhattisgarh.

---Petitioners

Versus

1. State of Chhattisgarh, through the District Magistrate, Raigarh, Distt. Raigarh, Chhattisgarh.
2. Smt. Vedmati W/o Shri Ishwar Chandra Behra, Aged about 32 years, R/o Village Chindras, P.S. - Kansabel, Distt. Jashpur, Chhattisgarh.

---- Respondents

For Petitioners	:	Mr. Sunil Sahu, Advocate
For State	:	Ms. Astha Shukla, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

05/11/2019

1. Petitioners herein were charge-sheeted for offence under Section 498A, 323/34 of the IPC. Immediately thereafter, they filed an application under Section 239 of the CrPC claiming discharge wherein learned Judicial Magistrate declined to accept the application filed by the present petitioners and framed charge by virtue of Section 240 of the CrPC against which the petitioners filed revision petition but the same was also dismissed by the Additional Session

Judge vide impugned order dated 07/09/2019 being aggrieved by which this criminal miscellaneous petition under Section 482 of the CrPC has been preferred by the petitioners.

2. Mr. Sunil Sahu, learned counsel for the petitioners would submit that both the Courts below have committed grave illegality by not discharging the petitioners/accused by virtue of Section 239 of the CrPC.
3. Ms. Astha Shukla, learned State counsel would oppose.
4. I have heard learned counsel for the parties at length.
5. Since, petitioners' application under Section 239 of the CrPC has been rejected and thereafter charges have been framed against them for offence under Section 498A and 323/34 of the IPC by virtue of Section 240 of the CrPC, the remedy available to the petitioners would be to challenge the order framing charge before the jurisdictional criminal Court.
6. In view of the aforesaid reason, this Cr.M.P. stands disposed of. Petitioners are at liberty to challenge the order framing charge, if any, in accordance with law. No cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge