

HIGH COURT OF CHHATTISGARH AT BILASPUR**CRMP No. 2361 of 2019**

Ashok Goyal, S/o Late Shankarlal Goyal, Aged about 55 years, R/o Village Pendra, P.S. and Tahsil Pendra, District Bilaspur, Chhattisgarh.

---Petitioner

Versus

State of Chhattisgarh, through in charge, Police Station Gourela, District Bilaspur, Chhattisgarh.

---- Respondent

For Petitioner	:	Mr. Anand Shukla, Advocate
For State	:	Mr. Akash Pandey, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

06/11/2019

1. The jurisdictional criminal Court framed charges against the present petitioner for offence under Sections 409, 420, 120B of the IPC on 24/03/2018 finding prima facie material against him. The order framing charge was assailed by way of revision preferred by the petitioner which has been dismissed vide impugned order dated 13/09/2019 against which this criminal miscellaneous petition has been preferred by him under Section 482 of the Cr.P.C.
2. Mr. Anand Shukla, learned counsel for the petitioner would submit that petitioner was not the director of 'Harihar Rice Mill' at the relevant point of time and there is no evidence available for framing charges against him, therefore, the charges framed against him ought to have been discharged by the revisional Court.

3. I have heard learned counsel for the petitioner at length.
4. Both the Courts below have concurrently held that there is prima facie material available against the petitioner for framing of charges for offence under Sections 409, 420, 120B of the IPC as the allegation against the petitioner is that from 02/04/2015 to 17/04/2015, petitioner being the director of 'Harihar Rice Mill' lifted 7038 quintals of paddy amounting to ₹ 1,11,90,579/- without the delivery order and did not enter into agreement of custom milling thereby, committed the aforesaid offence.
5. Learned revisional Court has rightly relied upon the decision rendered by the Supreme Court in ***Palwinder Singh v. Balwinder Singh and Ors.***¹ and held that no interference could be made in the order framing charge which in my considered opinion is a correct view of the matter. I do not find any merit in this petition. However, petitioner is at liberty to raise all his defences during the course of the trial which will be considered by the jurisdictional criminal Court without being influenced by the impugned order as well as this order.
6. This Cr.M.P., being devoid of merits, deserves to be and is accordingly dismissed.

Sd/-
(Sanjay K. Agrawal)
Judge

Harneet