

HIGH COURT OF CHHATTISGARH,
BILASPUR

CRMP No. 2469 of 2018

Raghuveer Prasad Gour, S/o/ Late Prahlad Prasad Gour, Aged About 60 Years, Occupation- Government Employee, Presently R/o/ At P.W.D. Colony, Jashpur, District- Jashpur, Chhattisgarh. Permanent R/o. Near Shankar Mandir, Mohalla- Banapura, Sivnimalwa, District- Hosangabad, Madhya Pradesh ----- **Petitioner**

Versus

State of Chhattisgarh through District- Magistrate, Jashpur, District- Jashpur, Chhattisgarh ----- **Respondent**

For Petitioner : Mr. N.K. Malviya, Advocate
For State : Mr. Ravi Bhagat, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

20.03.2019

1. The present petition is against the order dated 30.07.2018 passed by the learned Sessions Judge, Jashpur in Criminal Revision No.23/2018 whereby the revisional Court has dismissed the revision. The said revision was preferred against the order dated 19.06.2018 of framing of charges under sections 120-B, 465, 470 and 471 of IPC passed by the Court of Chief Judicial Magistrate , Jashpur in Criminal Case No.111/2017.
2. As per the prosecution case, the Bolero Vehicle No.05BA/0176 belonged to the petitioner met with an accident at Narayanpur area on 03.01.2014 which has resulted in death of one Gomti Bai

Yadav. Since the said accident caused death of a woman, a case was registered u/s 304-A of IPC in Crime No.2/2014 against the petitioner and he was arrested on 10.01.2014 and the driving licence bearing No. 20080006296 was produced whereas the earlier licence which was held by him bears registration No.20080006292. It appears that licence No. 20080006292 which was produced by the petitioner was shown to be valid from 04.01.2008 to 03.01.2019 whereas the actual the validity period of licence No. 20080006292 was from 04.11.2008 to 03.11.2013. As per the prosecution case, the accident took place on 03.01.2014 and the validity of license has expired before two months of the said accident, therefore, in connivance with the officers of RTO, the present petitioner got the licence Regn.No. 20080006292 renewed on the basis of licence No. 20080006296 from 04.01.2008 to 03.01.2019. During the investigation, the licence No. 20080006296 was found to be issued in the name of one Ramakrishna Yadav.

3. Learned counsel for the petitioner would submit that as per the Annexure P-4 which is a communication made to the Station House Officer by the RTO that due to clerical mistake, the licence No. CG12/2008/0006292 was inadvertently written as C.G.12/2008/0006296 which was renewed from 04.01.2014 to 03.01.2019. However, the order would show that initially whatever

the licence was produced it was 20080006192 and it was shown to be valid from 04.01.2008 to 03.01.2019.

4. A perusal of the order would show that at the time when the accident took place on 03.01.2014, licence No.20080006292 was produced which on perusal goes to show that it was valid from 04.01.2008 to 03.01.2019 whereas the licence as alleged was renewed from 04.01.2014 to 03.01.2019. Therefore, the validity of licence as on date of accident is still matter of investigation.
5. The Supreme Court in a case of ***Shoraj Singh Ahlawat Vs. State of U.P.*** reported in ***AIR 2013 SC 52*** has observed that the Court trying the case can direct discharge only for the reasons to be recorded by it and only if it considers that the charges against the accused to be groundless.
6. Hon'ble the Supreme Court has further observed that it is well settled that at the stage of framing of charge, the defence of accused should not be put forth. The acceptance of the contention of the learned counsel for the accused would mean permitting the accused to adduce his defence at the stage of framing of charge and for examination thereof at that stage which is against the criminal jurisprudence. Therefore, taking into account the above position of law, the argument which has been advanced by the learned counsel for the petitioner, cannot be accepted as *prima facie* the Court has to only see whether there is ground to presume that the accused had committed the offence or not ?

7. The scope of interference and exercise of jurisdiction under Section 397 of Cr.P.C. was again reiterated by their Lordship in case of *State of Rajasthan v. Fatehkaran Mehdu*, reported in *AIR 2017 SC 796*. It is stated that 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.
8. Applying the aforesaid principles in this case after going through the charge sheet and the documents annexed thereto, at this stage, the defence adduced by the applicant cannot be accepted as gospel truth. The same has to be decided on the floor of the Court during evidence while they are tested by virtue of examination and cross examination.
9. Therefore, in view of the forgoing discussion, I am not inclined to interfere with the order of framing of charge at this stage. Accordingly, the petition is dismissed.

Sd/- -

(GOUTAM BHADURI
JUDGE