

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 182 of 2020

- Ramesh Banjara, S/o Shri Manrakhan Banjara, Aged About 39 Years, R/o Baihakapa, P.S. Lalpur, District-Mungeli, Chhattisgarh.

---- Applicant

Versus

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

---- Respondent

For Applicant : Mr. Ashutosh Trivedi, Advocate.
For Respondent/State: Mr. Devendra Pratap Singh, Dy. Adv. General.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

19/03/2020

Heard.

1. This revision petition has been brought against the order dated 17.1.2020 passed by the learned Sessions Judge, Mungeli, Chhattisgarh in Session Trial No.43/2019 thereby framing charge against the applicant under Section 307 of the Indian Penal Code.
2. It is submitted that the charge framed against the applicant under Section 307 of IPC is not at all made out. The injury caused to the victim in this case was not fatal in nature, therefore, the offence committed would have been only to the extent of causing grievous injury to the victim, hence, the impugned order is not sustainable. The applicant is entitled for discharge with respect to commission of offence under Section 307 of IPC.
3. Learned State counsel opposes the petition and submissions made in this respect. It is submitted that there is clear statement given by the

witnesses that the applicant had assaulted the victim with intention to cause his death, therefore, charge framed is sustainable and no interference is required.

4. I have heard both the parties and perused the documents on record.
5. The FIR has been lodged by Rupesh Bharadwaj, brother of victim Ronit Bhardwaj, to the effect that on the date and time of incident, the applicant had uttered abusive words and threatened the father of the complainant and the victim. When victim Ronit Bhardwaj objected to it, the applicant saying that he will cause death of the victim, had assaulted him with a club and caused injuries with intention to cause his death. The statement of victim Ronit Bhardwaj and other witnesses are similar in which it is repeated that the applicant had assaulted the victim with intention to cause his death.
6. Considering the statements made by the prosecution witnesses, I am of this view that the injury by itself is not alone the criteria for framing charge under Section 307 of IPC and the intention behind the act is the main consideration. In the present case, from the statements of the witnesses recorded in the course of investigation are present to show that the intention of applicant behind causing injuries to the victim was to cause his death. Therefore, in the opinion of this Court, the Court below has not committed any error in framing charge against the applicant under Section 307 of IPC, which needs interference in exercise of revisional jurisdiction by this Court.
7. Consequently, the revision fails and is dismissed at motion stage itself.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha