

HIGH COURT OF CHHATTISGARH, BILASPUR**Cr. M. P. No. 452 of 2020**

Jabir Khan, S/o Kalim Khan, aged about 26 yers, Occupation Labour At present R/o – House of the Dahariya, Sankra, P.S. - Dharsiwa, Distt. - Raipur (C.G.)

----Petitioner

Versus

State of Chhattisgarh thorough S.H.O., Police Station – Dharsiwa, Dist. Raipur (C.G.)

---- Respondents

For Petitioner	:	Shri Hariom Rai, counsel for the petitioner.
For Respondent /State	:	Shri Ravi Kumar Bhagat, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

18/02/2020

(1) This petition has been filed seeking the order framing charge for commission of offence under Section 377 of the Indian Penal Code (henceforth “IPC”) and Section 11 of The Prevention of Cruelty to Animals Act, 1960 (henceforth “Act, 1960”) against the petitioner be set aside and the entire prosecution be quashed.

(2) Learned counsel appearing for the petitioner would submit that no charges under Section 377 of the IPC and Section 11 of the Act, 1960 are made out against the petitioner and he deserves to be discharged from the aforesaid offences and entire proceedings initiated against him may also be quashed.

(3) On the other hand, counsel for the State would submit that order dated 26.12.2019 framing charges under Section 377 of the IPC and Section 11 of the Act, 1960 is revisable before the Revisional Court.

(4) I have heard learned counsel appearing for the parties and perused the impugned order.

(5) Since the order framing charge dated 26.12.2019 is revisable before the revisional Court, I am not inclined to entertain this petition under Section 482 of the Cr.P.C. However, the petitioner is at liberty to prefer revision against the order framing charge dated 26.12.2019 before the revisional Court, as such, the petitioner is relegated to the remedy of revision before the Revisional Court.

(6) With the aforesaid observation, the Cr.M.P. stands finally disposed of.

(7) Certified copy of the impugned order and other relevant documents be returned after furnishing attested copy thereof.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

