

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 128 of 2021

1. Yuvraj Pillai S/o Shri Ramswami Aged About 18 Years R/o Tulsipur, Thana Kotwali, District Rajnandgaon Chhattisgarh.
2. Nitin Pillai S/o Shri Ramswami Aged About 21 Years R/o Tulsipur, Thana Kotwali, District Rajnandgaon Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through Police Station Kotwali, District Rajnandgaon Chhattisgarh.

---- Respondent

For Applicants	: Shri Parag Kotecha, Advocate.
For Respondent/State	: Mr. Adil Minhaj, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board

9-3-2021

Heard.

1. This criminal revision petition has been brought by the applicants being aggrieved by the order framing of charges against applicant No.1 – Yuvraj Pillai under Sections 294, 354, 354(D) read with Section 34 and 509 of the Indian Penal Code and under Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 (for short 'the POCSO Act') and against applicant No.2 – Nitin Pillai under Sections 294 and 506 part II of the Indian Penal Code.
2. Learned counsel for the applicants submits that according to the FIR lodged and the statements of the witnesses, applicant No.1 was not present on the date and time of the incident regarding which, the complaint has been made. There is already one case registered against

applicant No.1 on the complaint made by complainant – Mahesh Sinha, therefore, no such incident has occurred regarding outraging modesty of the victim, making any obscene gestures and regarding any commission of offence punishable under Sections 8 and 12 of the POCSO Act, therefore, applicant No.1 is entitled for discharge. The impugned order framing charges against applicant No.1 is totally erroneous and there is no *prima facie* case against him. Hence, the revision petition be allowed and applicant No.1 may be discharged. No submission has been made on behalf of applicant No.2 by the applicants' side.

3. Learned counsel appearing for the respondent/ State opposes the submissions so made and submits, that the learned trial Court has not committed any error in framing charges against both the applicants regarding which there is material present in the charge-sheet. It is also submitted that according to the material in the charge-sheet some additional offences are also made out regarding which there is no charge framed. Hence, the revision petition be dismissed.
4. In reply, it is submitted by counsel for the applicants that there is no complaint regarding any repeat incident of outraging the modesty of the victim hence, applicant No.1 is entitled for discharge.
5. Considered the submissions. On perusal of copy of statement of the witnesses, namely, complainant – Mahesh Sinha, victim and the other witnesses, it is found that there is statement present regarding the commission of alleged offence of stalking, outraging modesty and making indecent gestures against applicant No.1 which is an incident of three days prior to lodging complaint. The victim in this case is a minor aged about 14 years, therefore, I am of this view that there is *prima*

facie case present for framing of charges as have been framed by the learned trial Court against applicant No.1 as well as against applicant No.2. Hence, I do not find any substance in this revision petition, which is dismissed.

6. Accordingly, the revision petition is dismissed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nimmi