

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 286 of 2021

- Rajkumar Sawlani, S/o Shri Tolaram Sawlani, Aged About 62 Years, Occupation Business R/o Plot No. 345, Sai Chanduram Darbar Marg, Jaripatka, Nagpur (M.H.). **---- Petitioner**

Versus

1. State of Chhattisgarh, Through- Secretary, Department of Home Affairs, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur, Chhattisgarh.
 2. The Inspector General of Police, Chhattisgarh at Raipur (Chhattisgarh).
 3. The Superintendent of Police, Dantewada, District Dantewada, Civil Line, Dantewada, Chhattisgarh.
 4. The Station House In-Charge, Police Station Bacheli, District : Dantewada, Chhattisgarh.
 5. The Station House In-Charge, Police Station Bhansi, District : Dantewada, Chhattisgarh.
 6. Satish Rameshlal Premchandani, Aged About 40 Years,
 7. Ajju Rameshlal Premchandani, Aged About 42 Years,
 8. Bablu Rameshlal Premchandani, Aged About 36 Years,
 9. Smt. Muskan Ajju Premchandani, Aged About 40 Years,
 10. Smt. Rashi Bablu Premchandani, Aged About 34 Years,
 11. Smt. Sangeeta Rameshlal Premchandani, Aged About 57 Years,
- Respondent Nos. 6 to 11 are R/o Bharti Beauty House, Shopping Complex, Shop No. 6, Post Office and Tahsil Bacheli, District : Dantewada, Chhattisgarh.
12. Smt. Pinki Amit Jeswani, Aged About 42 Years, R/o In Front of Railway Line, Mekosabag, Jaripatka, District : Nagpur, Maharashtra. **---- Respondents**

For Petitioner	:	Shri Harsh Wardhan, Advocate
For Respondent Nos. 1 to 5	:	Shri Chitendra Singh, P. L.
For Respondent Nos. 6 to 12	:	Shri Devershi Thakur, Advocate

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

16.11.2021

- 1) The present criminal revision has been filed under Section 397 of CrPC challenging the order dated 01.07.2019 passed by the Additional Sessions Judge (Fast Track Court), Dantewada (C.G.) in Sessions Case No. 195/2018 whereby the application u/s 193 r/w 319 of CrPC filed by the petitioner was kept pending and the trial is proceeded for offence u/s 498-A of IPC whereas it is a clear case of murder conspiracy.
- 2) Case of the prosecution, in brief, is that marriage of the deceased Smt. Kirti Premchandani was solemnized on 11.05.2003 with the accused Satish Premchandani and she died on 05.11.2016 in highly suspicion circumstances. FIR No. 02/2017 was registered by Police Station Bhansipur on 23.01.2017 for offence under Sections 498-A and 306/34 of Indian Penal Code against the petitioner and others.
- 3) Learned counsel for the petitioner submits that impugned order passed by the learned court below is per se illegal, contrary to the records of the case and is in violation of the settled principles of criminal law. The court below acted illegally while keeping the application filed by the petitioner u/s 193 r/w Section 319 of CrPC pending and proceeding with the trial. The Court below utterly failed to consider that the police authorities have wrongly exonerated all the respondents merely by recording that they are living separately for the last nine years which is absolutely incorrect. Therefore, impugned order dated 01.07.2019 be set aside and the application filed by the petitioner u/s 193 r/w 319 of CrPC deserves to be allowed.
- 4) Learned counsel for respondent Nos. 6 to 12 opposes the prayer made on behalf of the petitioner and supports the impugned order whereas learned State counsel has duly assisted the Court.
- 5) It appears from the impugned order dated 01.07.2019 that an

application u/s 193/319 of CrPC was filed by the petitioner for arraying brother-in-law Ajju Prem Chandani, Amar Prem Chandani, sister-in-law Smt Muskan, Smt. Rashi & Smt. Pinki and mother-in-law Smt. Sangeeta Prem Chandani as accused. The trial Court kept the said application pending by observing that in this case charges have not been framed against accused Satish Prem Chandani on the said application can be consider only after recording of statements of the material witnesses. This Court finds no illegality and perversity in the order impugned. Accordingly, the revision petition being without any substance is liable to be dismissed and is dismissed.

Sd/-

(Gautam Chourdiya)
Judge

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