

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 929 of 2021

1. Sahdev Rajwade S/o Sonu Rajwade Aged About 55 Years R/o Village Jarhi, Ward No. 1, Jangalpara Jarhi, P. S. Bhatgaon, District Surajpur Chhattisgarh
2. Bablu @ Sonu Rajwade S/o Sahdev Rajwade Aged About 33 Years R/o Village Jarhi, Ward No. 1, Jangalpara Jarhi, P. S. Bhatgaon, District Surajpur Chhattisgarh
3. Chhabbilal Rajwade S/o Sahdev Rajwade Aged About 30 Years R/o Village Jarhi, Ward No. 1, Jangalpara Jarhi, P. S. Bhatgaon, District Surajpur Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through The Police Outpost Bhatgaon, District Surajpur Chhattisgarh.

---- Non-Applicant

For Applicants	:	Shri Rakesh Pandey, Advocate
For Non-Applicant	:	Shri Shreshtha Gupta, P. L.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

09.12.2021

- 1) Heard on admission.
- 2) The revision has been filed under Section 397/401 of Cr.PC against the order dated 25.11.2021 passed by the Additional Sessions Judge, Pratappur, District- Surajpur (C.G.) in Sessions Trial No. 34/2021, whereby charges under Sections 294, 506 B & 307 read with Section-34 of IPC were framed against the applicants.
- 3) Learned counsel for the applicants submit that if the contents of F.I.R and the material collected by prosecution are seen in the light of the ingredients necessary for attracting the offence under

Sections 294, 506 B, 307 read with Section-34 of IPC, it is clear that the charge framed by the trial Court is not sustainable in law, therefore, the same is liable to be set aside and the applicants deserves to be acquitted of the charge.

- 4) On the other hand, learned counsel for the non-applicant/State submits that as per memorandum statements of accused persons they admitted that they have made assault upon the victim Vivek Choudhary with hands, fists, iron rod & club due to dispute over sowing of the crop on the field. During investigation , upon memorandum of the applicants, the weapons used by them during assault were seized from them.
- 5) From perusal of the impugned charge framing order, it is seen that due to some dispute between the party, the applicants abused the victim namely Vivek Choudhary filthily and assaulted him with hands, fists, iron rod and club. As a result of which, the victim sustained lacerated, abrasion and tender swelling injuries.
- 6) Thus, considering overall material collected by the prosecution, the memorandum statements of the accused persons, statements of the witnesses, nature of injuries as per MLC report injuries sustained by the victim on head & other parts of the body due to assault made by the applicants with iron rod & club and other material available on record, this Court finds no illegality or perversity in the impugned order of charges framing under Sections 294, 506 B & 307 read with Section-34 of IPC against the applicants.
- 7) Consequently, the revision petition being devoid of substance deserves to be and is hereby dismissed at motion stage.

Sd/-

**(Gautam Chourdiya)
Judge**