

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLREV No.393 of 2012

Mukunda Sahu and others

.... Petitioners

Mr.H.S.Choudhury, Advocate

-versus-

State of Odisha

.... Opposite Party

Mr. S.K.Mishra,
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER
06.5.2022.

Order No.

06.

1. This matter is taken up through hybrid mode.
2. This revision is directed against the order dated 3rd July. 2012 passed by learned Addl. Sessions Judge (F.T.C), Bhawanipatna in C.T. Case No.17/24/2012 whereby charge was framed for the offence under Sections

147/148/323/326/294/506/307/341/342/149 of the I.P.C. against the accused persons.

3. The main ground for filing the present revision is that prima facie, the offence under Section 307 is not made out since there is no material to show that the Petitioners had assaulted the injured with an intention to kill him.

4. Mr. G.N.Sahu, learned counsel appearing on behalf of Mr. H.S. Choudhury, fairly submits that if the statement of the informant is perused the same would reveal that only the Petitioner No.3 namely, Bhagaban Sahu had assaulted the injured by means of an axe and that too causing injury to the fingers of his palm. It is, therefore, contended that in so far as other Petitioners are concerned, the offence under Section 307 of the I.P.C. is not made out.

5. Learned Addl. Standing Counsel for the State has contended that the F.I.R. as well as the statement of the informant and other witnesses recorded under Section 161 of Cr.P.C. clearly reveals that all the Petitioners came in group and assaulted the injured causing grievous injuries on his body.

6. After perusing the F.I.R. and the statement recorded under Section 161 of Cr.P.C. of the informant as also other witnesses, this Court is also of the view that there are enough materials to prima facie form an opinion that the Petitioners had committed the offence under Section 307 of I.P.C. The grounds urged by the Petitioners are such as can only be appreciated at the time of trial on the basis of the evidence adduced before the Court. At this stage, however, it is sufficient if there are materials to persuade the Court to form a presumptive opinion regarding commission of the alleged offence. This Court, therefore, holds that the learned court below committed no illegality in framing charge against the accused persons.

7. In the result, the revision is found to be devoid of merit and is, therefore, dismissed. Since the case is of the year 2011, learned trial court shall do well to try and dispose of the same as expeditiously as possible preferably, within a period of four months from the date of communication of this order.

AKB

(Sashikanta Mishra)
Judge

