

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLREV No.405 of 2022

1. Lukman Khan

2. Intiyaz Khan

**3. Sarfaraz @ Sarafaraj
Khan**

4. Sahabaz Khan

5. Laila Khatun

.... Petitioners

Mr. A. Mishra, Advocate

-versus-

State of Odisha

.... Opp. Party

Mr. Rajesh Tripathy

Addl. Standing Counsel

**CORAM:
JUSTICE S.K. SAHOO**

ORDER

13.09.2022

संयुक्त न्याय

Order No.

01. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

Heard learned counsel for the petitioners and learned counsel for the State.

This revision petition has been filed by the petitioners, who are the husband and in-laws family members of the victim-informant challenging the order dated 03.08.2022 passed by the learned Additional Sessions Judge, Karanjia in Sessions Trial No.01 of 2022 in rejecting the discharge petition

under section 227 of the Cr.P.C. filed by the petitioners from the offence under section 307/34 of the Indian Penal Code.

Learned counsel for the petitioners submitted that the first information report was lodged by Shamma Parwin before the Inspector in-charge of Jashipur police station on 01.02.2020 and on the basis of such first information report, a case under sections 498-A/294/323/341/354/506/34 of the Indian Penal Code and section 4 of the D.P. Act was registered and there is absolutely no material to attract the ingredients of the offence under section 307 of the Indian Penal Code and therefore, the learned trial Court was not justified in rejecting the petition under section 227 of the Cr.P.C.

Learned counsel for the State, on the other hand, submitted that not only in the first information report but also in the charge sheet, it is indicated about the roles played by each of the petitioners in the assault of the informant and at this stage, when shifting of the evidence is not permissible, it would not be proper to discharge the petitioners of the offence under section 307/34 of the Indian Penal Code.

On perusal of the first information report, it is found that the victim-informant has stated about the roles played by each of the petitioners in assaulting

her and in the charge sheet also, it is mentioned that the petitioner no.2 and the other petitioners became furious and assaulted the informant mercilessly, attempted to kill pressing her neck and broke the mobile phone of the informant in two pieces and the petitioner no.2 put a knife on the neck of the informant and gave threat to kill her. It is also mentioned that on 01.01.2020 in the midnight, the petitioners assaulted the informant by means of fist blows and pressed her neck with attempt to kill for which the informant became senseless and in the meantime, the petitioners conspired to kill her by setting fire and accordingly, the petitioner no.1, who is the father-in-law brought kerosene oil and match box and at that time, the informant got sense and immediately went inside the room and locked the door.

After going through the materials available on record, it cannot be said that there is absence of prima facie material to frame charges against the petitioners for commission of offence under section 307/34 of the Indian Penal Code. What would be the evidentiary value of the statements of witnesses made during trial and whether their evidence would be acceptable or not, it would be adjudicated by the learned trial Court at the appropriate stage and at this

stage, when meticulous examination of the evidence on record is not permissible, I am not inclined to interfere with the impugned order dated 03.08.2022 passed by the learned Additional Sessions Judge, Karanjia.

Accordingly, the CRLREV being devoid of merits, stands dismissed.

Urgent certified copy of this order be granted on proper application.



RKM