

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1410 of 2018

Arising Out of PS. Case No.-69 Year-2015 Thana- DULHIN BAZAR District- Patna

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1. Ravindra Ram @ Ravindra Prasad @ Rabindra Prasad and Ors Son of Sripthal Ram @ Sripthal Rai Village - Bhaluuawn
 2. Randhir Kumar Son of Sri Ravindra Ram @ Ravindra Prasad @ Rabindra prasad Village - Bhaluuawn
 3. Roshan Kumar Ravindra Ram @ Ravindra Prasad @ Rabindra Prasad Village - Bhaluyawn
 4. Rajendra Ram Sripthal Ram @ Sripthal Rai Village - Bhaluyawn
 5. Sripthal Ram @ Sripthal Rai Mulhan Ram All Resident of Village-Bhaluuawn P.S. Dulhin Bazar,Distt.-Patna

... .. Petitioner/s

Versus

1. State Of Bihar and Anr.
2. Arun Sharma @ Arun Kumar Krishnanand Sharma Resident of Village-Bhaluyawn P.S. Dulhin Bazar,Distt.Patna

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Ravi Kant Kumar
For the Respondent/s	:	Mr.Sri Binod Kumar 2

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

7 12-02-2024 The petitioners are the accused persons in Sessions Trial No. 748 of 2016 (arising out of Dulhin Bazar P.S. Case No. 69 of 2015).

2. The petitioners have assailed a composite order passed by the learned Additional Sessions Judge 1st Court, at Danapur on 1st October, 2018 rejecting two separate applications filed by the petitioners under Section 227 of the Code of Criminal Procedure.

3. It is pertinent to mention at the outset that in



connection with Dulhin Bazar P.S. Case No. 69 of 2015 dated 15th June, 2015, police initially submitted chargesheet being chargesheet no. 183 of 2015 dated 31st December, 2015 against only one person namely, Ravindra Ram under Section 341/323/324/307/379/504/34 of the Indian Penal Code. Again on 30th June, 2019, police submitted the second chargesheet bearing no. 80 of 2016 on 30th June, 2016 against accused Shriphal Ram and Randhir Kumar. Rajendra Ram and Raushan Kumar were not sent up for trial. In spite of the above named two accused persons, not being sent up for trial, they also filed application under Section 227 of the Cr.P.C. praying for discharging them from the case.

4. It is contended by the learned Advocate for the petitioners that the petitioners filed two separate petitions under Section 227 of the Cr.P.C. However, the learned trial Judge disposed of both the petition by composite order.

5. Second, it is also submitted by the learned Advocate for the petitioners that the Medical Officer at as to Dulhin Bazar Hospital, medically treated and examined one Ravi Kumar, Krishna Nandan Singh, Parshuram Sharma and Arun Kumar in connection with this case.

6. The injuries of Ravi Kumar and Parshuram



Sharma were opined as simple in nature by the medical officer. Therefore, the trial court did not have any material under Section 307 of the Indian Penal Code regarding attempts to murder by any of the accused persons. Though, the trial court framed charge under Section 307 of the Indian Penal Code.

7. Learned PP In-charge has placed the case diary and copies of the chargesheet before this court for ascertainment of the real issue involved in the instant Revision.

(I) Trial of Sessions cases or “trial before a court of Session delineated in Chapter-XVIII of the Code of Criminal Procedure starts with Section 225. Section 227 states as under :-
Section 227 discharge – if upon consideration of the record of the case and the documents submitted their will and after hearing the submission of the accused and the prosecution in this behalf, Judge considers that there is not sufficient ground for proceeding against the accused, he shall discharge the accused and record his reason for so doing.”

8. When there are more than one accused, they have the right to file separate application under the above mentioned provision praying for discharge. There is no illegality committed by the trial court in disposing of the petitions under Section 227 of the Cr.P.C. by composite order, because the pith



and substance of all the petitions under Section 227 of the Cr.P.C. are that the papers and evidences collected by the police during investigation are not sufficient to frame charge against the accused persons. Therefore, the trial court can dispose of several applications under Section 227 of the Cr.P.C. by a composite order and there is no illegality in passing such order.

9. It is further submitted by the learned Advocate for the petitioners that there is absolutely no ingredient in support of the charge under Section 307 of the Indian Penal Code. The injuries were simple in nature. When the intention of the accused persons to the effect that they attempted to commit murder of the victim is absent and it is visible from the injury report, no charge under Section 307 of the Indian Penal Code can be framed against them.

10. It is needless to say that the trial court is under obligation at the time of framing of charge to see as to whether from the chargesheet and other materials and documents submitted by the Investigating Officer, prima facie case has been established against the accused persons or not. It is no longer res integra that in order to prove charge under Section 307 of the Indian Penal Code, it is the duty of the prosecution to prove all the ingredients of commission of murder except the



murder itself. However, this ingredient is required to be proved during trial. If at the stage of consideration of charge, the trial court finds some prima facie case for which the accused persons are required to be trial. He is well within his jurisdiction to frame charge under Section 307 of the Indian Penal Code. The learned Advocate for the petitioners did not show me the medical report of Krishna Nandan Singh who was also injured in the same incident. He received injury on the parietal region of his head which is the most vital part of the body. The Medical Officer recorded that there was profused bleeding from the said wound. The Medical Officer repared the said wound by stitching. He opined that the said injury was grievous in nature and caused by hard and blunt objects. There was sharp cutting injury on the neck of the said Krishna Nandan Singh. Similarly, one Arun Kumar who is the informant received grievous injury on his temporal region of the scalp received three in size injuries on the temporal region of his scalp which were noted down by the Medical Officer as grievous.

11. At the state of consideration of charge, the trial court is required to consider the intention of the parties. When a person is repeatedly assaulted by sharp cutting injury on the most vital part of the body, the trial court is within its scope to



frame charge against the accused persons under Section 307 of the Indian Penal Code. Thus, I do not find any illegality in the impugned order, and accordingly, the impugned order is affirmed and the instant Revision is dismissed.

(Bibek Chaudhuri, J)

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