

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAI PUR
BENCH, JAI PUR

ORDER

(1) S.B. CRIMINAL REVISION PETITION NO. 1329/ 2012

GUDDU @ RAJVEER SINGH
VS.
THE STATE OF RAJASTHAN.

WITH

(2) S.B. CRIMINAL REVISION PETITION NO. 1330/ 2012

DILEEP
VS.
THE STATE OF RAJASTHAN.

WITH

(3) S.B. CRIMINAL REVISION PETITION NO. 26/ 2013

SAROJAN SINGH
VS.
THE STATE OF RAJASTHAN.

AND

(4) S.B. CRIMINAL REVISION PETITION NO. 168/ 2013

GHANSHYAM SHARMA
VS.
STATE OF RAJASTHAN.

DATE OF ORDER

:

31.05.2013

HON'BLE MR. JUSTICE NARENDRA KUMAR JAIN-II

Mr. Anil Upman, for the petitioner (In Cr. Rev. 1329/2012 & 1330/2012).

Mr. Anil Jain, for the petitioner (In Cr. Rev. No. 26/2013)

Mr. Jagdish Narain Sharma, for the petitioner (In Cr. Rev. No. 168/2013).

Mr. Mahendra Meena, Public Prosecutor, for the respondent-State.

Since these revision petitions arise out of common order dated 12.12.2012, therefore, they were heard together and are being decided by this common order.

2. Heard learned counsel for the accused-petitioners, learned Public Prosecutor appearing on behalf of the respondent-State and perused impugned order dated 12.12.2012 and the relevant documents available on record.

3. These revision petitions are directed against order dated 12.12.2012 passed by Additional Sessions Judge, Dholpur(hereinafter referred to as 'the Trial Court') in Sessions Case No. 65/2012, whereby the learned Trail Court has framed charges against the accused-petitioners under Sections 420, 467, 468, 471, 473, 120B and 413 IPC.

4. Brief facts of the case are that a typed report was submitted by Shri Roop Singh ASI, I/C, OP Baretha P.S. Mania Dholpur on 06.01.2012 stating therein that on that day, i.e. 06.01.2012 a truck bearing No. RJ 34 GA 0417 came from the side of Mania in a rash and negligent manner and tried to hit the police personnel. The truck was stopped and checked and upon checking, fresh wet sand of Restricted Chambal Area was found in the truck. On the basis of the aforesaid report, an FIR No. 11/2012 was registered and investigation commenced in the matter. After due investigation, the police filed charge sheet against the petitioners for the aforesaid offences. The learned Trial vide order dated 12.12.2012 framed charges against the petitioners for the aforesaid offences. Aggrieved by the order dated 12.12.2012 passed by the Trial Court, these revision petitions have been filed by the accused-petitioners.

5. Learned counsel appearing on behalf of the accused-petitioners vehemently contended that the impugned order passed by the learned Trial Court is not sustainable in the eye of law being contrary to the facts and law and passed against the material available on record. The petitioners are absolutely innocent and they have not committed any offence as alleged by the police while in fact false and fabricated case has been prepared by the police, therefore, it can not be said that any offence has been committed by the petitioners. In the present matter, no case is made out for the offences as alleged against the petitioners because prosecution failed to establish the fact that petitioners have forged any paper and further failed to prove that any incriminating article or thing has been recovered from them, therefore, it is crystal clear that learned Trial Court has failed to read the charge sheet and framed the charges with the pre-decided mind and therefore, these facts and circumstances do not constitute any criminal liability upon the petitioners and no prosecution is permissible on the basis of such evidence. It seems from the bare reading of the impugned order as well as charge sheet that learned Trial Court has not read the charge sheet because in the entire charge sheet there is no allegation that the petitioners have prepared any forged paper, but the learned Trial Court did not apply its judicial mind and framed charges in routine manner which shows the casual approach of the learned Trial Court in performing the judicial duty because at the time of framing charge it is expected from the Trial Court to scrutinize the evidence submitted with the final report, but in the present case, it may be seen that by passing the impugned order the learned Trial Court did not see the charge sheet and only on the basis of conclusion

of the investigating officer, charges have been framed against the petitioners. If all evidence is taken together, no case is made out against the accused-petitioners. It is further contended that impugned order passed by the learned Trial Court is patently illegal, unjust and contrary to the provisions of law as also the material available on record. Learned Court below has seriously erred in passing the impugned order because there was no legal evidence to connect the accused-petitioners with the alleged offences, so as to justify the charge for the said offences against the petitioners. It is further submitted that the order framing a charge effects a person's liberty substantially and, therefore, it is the duty of the Court to consider judiciously whether the material warrants framing of charges or not and it cannot blindly accept the decision of the prosecution or the complainant that the accused be asked to face the trial. Impugned order is not reasoned and speaking and thus, not sustainable in the eyes of law. So, learned counsel for the accused-petitioners prayed that the revision petitions may be allowed and impugned orders passed by the learned Trial Court may be quashed and set aside and the accused-petitioners may be discharged.

6. Learned Public Prosecutor appearing on behalf of the respondent-State supported the order passed by the learned Trial Court and submitted that the same is just, legal and proper in the facts and circumstances of the present case. He has further submitted that the main case is pending at the stage of final hearing before the learned Trial Court and in this view of the matter, instant revision petitions deserve to be dismissed.

7. Having heard learned counsel for the parties and looking to

the facts and circumstances of the present case and the evidence available on record, this Court finds that learned Trial Court has rightly framed the charges against the accused-petitioners for the aforesaid offences. Learned Trial Court appears to have committed no error in framing the said charges against the accused-petitioners on the basis of material available before it. It is true that strong suspicion is enough for framing charges. It is also true that there is no legal requirement that the Trial Court should write order showing the reasons for framing charge, there is no need to overburden already burdened trial courts with said extra work. The time has reached to adopt all possible measures to expedite the court proceedings and to chalk out measures to avert all roadblocks causing avoidable delays. If the lower court is to write detailed orders at different stages merely because the counsel would address arguments at all stages, the snail-paced progress of proceedings in trial courts would further be slowed down. A detailed order may be passed for culminating the proceedings before them, but it is quite unnecessary to write detailed orders at other stages, such as issuing process, remanding the accused to custody, framing of charges, passing over to next stages in the trial. Hon'ble Apex Court in the case of *Kanti Bhadra Shah And Another Vs. State of W.B.*, (2000) 1 SCC 722 clearly observed that no reasons are required to be recorded when charges to be framed against an accused. Reasons are required to be recorded only when accused is to be discharged. So, in above view expressed by the Hon'ble Apex Court there is no need to give detailed reasons.

8. It is settled law that at the stage of framing of charges, the Court has to *prima facie* consider whether there is sufficient ground for

proceeding against the accused. The Court is not required to appreciate the evidence and arrive at the conclusion that the material produced by the prosecution is sufficient or not for conviction of the accused. If the Court satisfies that *prima facie* case is made out for proceeding further, then a charge has to be framed. If there are grounds for *prima facie* believing that the accused have committed an offence, the Court shall frame the charges against them.

9. In the present case, sufficient evidence is available on record which suggests that the offences under Sections 420, 467, 468, 471, 473, 120B and 413 IPC are made out against the petitioners and further, there are grounds for reasonably believing that the accused-petitioners have committed the alleged offences.

10. Hon'ble Apex Court in the case of *State of M.P. V. Dr. Krishna Chandra Saksena*, (1996) 11 SCC 439 has observed that time and again this Court has pointed that at the stage of framing charge, the Court should not enter upon a process of evaluating the evidence by deciding its worth or credibility. The limited exercise during that stage is to find out whether the materials offered by the prosecution to be adduced as evidence are sufficient for the Court to proceed further. Even other wise also, as per the statement made by learned Public Prosecutor appearing on behalf of the respondent-State, the trial in the present case is at its fag end before the learned Trial Court, therefore, it would not be proper and in the interest of justice to interfere in the present matter at this stage.

11. The impugned order passed by the Trial Court seems to be perfectly just and proper as well as based on cogent and sound reasons and this Court finds no illegality in the same, which calls for

any interference in the present revision petitions.

12. Consequently, the revision petitions are, accordingly, dismissed. Stay applications pending in the revision petitions, if any, are also dismissed.

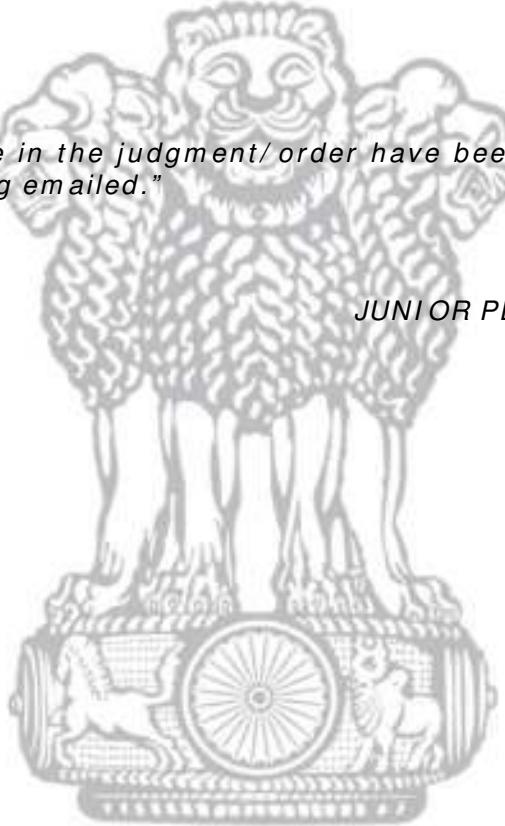
13. Office is directed to place a copy of this Order on record in each connected revision petition.

(NARENDRA KUMAR JAIN-II),J.

Manoj,

"All corrections made in the judgment/ order have been incorporated in the judgment/ order being emailed."

MANOJ NARWANI
JUNIOR PERSONAL ASSISTANT.



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