

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**Criminal Revision No. 1163 of 2015**

Pramod Patel @ Baba S/o Ramanuj Patel Aged About 27 Years R/o Rawanbhatha Ward No. 8, Dongargaon, P.S. Dongargaon, Civil & Rev. Distt. Rajnandgaon, Chhattisgarh Present R/o Narayanpur, Thana & Distt. Narayanpur (Chhattisgarh).

**---- Applicant**

**Versus**

State of Chhattisgarh, Through The District Magistrate Rajnandgaon, Distt. Rajnandgaon (Chhattisgarh).

**---- Non-Applicant**

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For Applicant	:	Mr. Samir Singh, Advocate.
For Non-Applicant/State	:	Mr. Gary Mukhopadhyay, Deputy Government Advocate.

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**Hon'ble Shri Justice Chandra Bhushan Bajpai.**

**Order on Board**

**30.12.2015**

1. Heard on motion.
2. The applicant has filed the instant criminal revision under Section 397 read with Section 401 of the Code of Criminal Procedure ('the Code') against the order passed by the Court below in Special Case No. 27/2015 (State v. Pramod Patel) on 03.11.2015 whereby the learned Court below framed charges under Section 376, 313 IPC and Section 3(1)(xii) of the Scheduled Castes and Scheduled Tribe (Prevention of Atrocities) Act, 1989.
3. The applicant by filing the instant criminal revision had taken the ground that the Court below did not properly appreciate the material available in the charge sheet and also failed to consider the arguments advanced in this behalf a per the entire material collected

by the prosecution. No offence is made out. The prosecutrix herself admitted that marriage has been taken place and physical relation was developed with her consent. She is about 30 years of age and the physical relations were not developed for the reason as she belongs to scheduled tribe. The applicant/accused by filing the instant criminal revision prayed that the order dated 3.11.2015 be set aside and the charges framed against him be also set aside.

4. Learned Counsel for the applicant duly supported the grounds taken in the instant criminal revision and prayed that after perusal of the statement of the prosecutrix (name not mentioned) under Section 161 CrPC which goes to appear that they have performed marriage in a Temple on 31.1.2014 and whatever physical relationship between the prosecutrix and the applicant are after the said marriage. Learned counsel further submitted that the prosecution has failed to make out a prima facie case hence the applicant is entitled for discharge in the case.
5. For the purposes of appreciation of the arguments advanced on behalf of the applicant, the copy of the charge sheet annexed alongwith the petition are perused.
6. From perusal of copy of the charge sheet including statement of the prosecutrix under Section 161 CrPC, it goes to show that on the basis of material collected by the prosecution and as the

prima facie case is made out against the applicant/accused, the Court below framed charges against the applicant. At this stage, it cannot be held that framing of the charges are without any foundation. With due consideration, I do not see any prima facie illegality or impropriety in the order passed by the Court below for framing charges against the applicant and proceeding further in the trial.

7. Consequently, as the applicant has failed to make out a prima facie case for admission of instant criminal revision for final hearing, the instant criminal revision is dismissed at the motion stage.

Sd/-  
(**Chandra Bhushan Bajai**)  
VACATION JUDGE