

**Vinod Kumar Vs. State**

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**SooperKanoon Citation :** [sooperkanoon.com/498506](http://sooperkanoon.com/498506)

**Court :** Madhya Pradesh

**Decided On :** Nov-29-2001

**Reported in :** 2002(1)MPHT214

**Judge :** N.S. Azad, J.

**Acts :** Code of Criminal Procedure (CrPC) , 1974 - Sections 468 and 482; [Indian Penal Code \(IPC\), 1860](#) - Sections 34, 406 and 420

**Appeal No. :** Misc. Criminal Case No. 5966/2001

**Appellant :** Vinod Kumar

**Respondent :** State

**Advocate for Def. :** R.A. Robertson, Govt. Adv.

**Advocate for Pet/Ap. :** Vijay Pandey, Adv.

**Disposition :** Case rejected

**Judgement :**

ORDER

**N.S. Azad, J.**

1. This petitioner is facing trial in Criminal Case No. 914/2000 pending in the Court of J.M.F.C. Waraseoni, for the offence punishable under Sections 420 and 406/34,

IPC, who framed charges against this petitioner on 16-12-2000. Then this petitioner and two others unsuccessfully challenged that order, in Criminal Revision No. 41/2001, which stood disposed of by First Addl. Sessions Judge, Waraseoni on 9-8-2001.

2. Shri Pandey has led me through the statements of witnesses, namely, Bhuvan Lal (Branch Manager), M.R. Pachori, Rajendra Arora, B.L. Kawde and T.L. Daneshwar. In addition to this, he took me through the photostat copy of letter addressed to Home Minister by M.L.A., a letter of Home Minister written to the Collector, Balaghat and a letter written by the Collector to the Field Officer, Zila Antyavsai, Balaghat. On the basis of the aforesaid documents, it is submitted by Shri Pandey that in fact this petitioner is falsely implicated and a false case is made out against him, on the initiation of M.L. A.

3. It is also submitted by Shri Pandey that for nothing, this petitioner would be facing trial for a long time as the contents of the aforesaid papers are not appreciated in correct perspective. It is lastly submitted by Shri Pandey that for an offence punishable under Section 406, IPC, the Court was not competent to take cognizance keeping in view the provisions contained in Section 468, Cr.PC where the period of one year is provided for taking cognizance, beginning with the date of commission of offence.

4. Offence punishable under Section 420, IPC was also registered, of which the charge is framed against this petitioner, in addition to the offence punishable under Section 406, IPC, therefore, the bar created in Section 468, Cr.PC is not applicable to the present case. Secondly, appreciation of facts, is not permissible in exercise of inherent powers. Hence, I do not find it a fit case for interference by this Court in exercise of inherent powers, provided under Section 482, Cr.PC. This petition, therefore, does not merit which is accordingly disallowed and rejected.

C.C. as per rules.

5. Misc. Criminal Case rejected.