

Ajay and Jeetu and ors. Vs. the State

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Court : Madhya Pradesh

Decided On : Sep-23-2002

Reported in : 2003CriLJ2218

Judge : Uma Nath Singh, J.

Acts : Code of Criminal Procedure (CrPC) , 1974 - Sections 228; Indian Penal Code (IPC) - Sections 34 and 307

Appeal No. : Cr.R. No. 1121 of 2002

Appellant : Ajay and Jeetu and ors.

Respondent : The State

Advocate for Def. : Arup K. Das, Panel Lawyer

Advocate for Pet/Ap. : Dipak Awasthy, Adv.

Disposition : Petition dismissed

Judgement :

ORDER

Uma Nath Singh, J.

1. This criminal revision impugns the order dated 5-9-2002 passed by the learned Third Additional Sessions Judge, Hoshangabad, in Sessions Trial No. 19/2001,

framing charge against the applicants under Section 307 read with Section 34, IPC.

2. The impugned order of the learned Judge is a reasoned order and he has mentioned that there was an exhortation to kill the complainant; that, but for the arrival of two Police Personnel namely Narayan Prasad Yadav and Anil Kumar Maurya, applicants would not have stopped the assaults and ran away from the place of incident; that the accused/applicants were duly armed with weapons to cause assaults in a concerted manner; and that they caused a serious injury damaging the left eye of the applicant. The Hon'ble Apex Court in the matter of State of Delhi v. Gyan Devi, (AIR 2001 SC 40 : (2001 Cri LJ 124) has laid down the ratio that the High Court should not quash the charges unless the case happens to be an exceptional case. Further, the Hon'ble Apex Court in the matter of Om Wati (Smt.) v. State, Through Delhi Admn. (2001) 4 SCC 333 : (2001 Cri LJ 17231 has laid down the guidelines that unless there is a glaring injustice, the High Court should not interfere with framing of charges.

3. This Court refrains from making any observations on merits lest it would prejudice the case of either of the parties during the trial. Thus, in the totality of circumstances and the ratio of judgments (supra). I do not find any merit in the criminal revision, which is hereby dismissed.