

Abdul Farid Vs. State of Rajasthan.

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Court : Rajasthan

Decided On : Jul-14-2011

Judge : Narendra Kumar Jain, J.

Acts : Indian Penal Code (IPC) - Sections 467, 468, 471, 420; Code Of Criminal Procedure (CRPC) - Section 227, 228, 397

Appeal No. : Case No. CRLR - 786 of 2011

Appellant : Abdul Farid

Respondent : State of Rajasthan.

Advocate for Def. : Ms. Rekha Madnani, Adv

Advocate for Pet/Ap. : Mr. Bheem Sain Bairwa; Mr. Abdul Kalam Khan, Adv

Judgement :

1. Heard learned counsel for the parties.
2. Petitioner has preferred this revision petition challenging order dated 05.11.2008 passed by trial court, framing charges against the petitioner for offences under Sections 467, 468, 471 and 420 I.P.C.
3. Submission of learned counsel for the petitioner is that trial court committed an illegality in framing the charges for the above-mentioned offences against the petitioner, without any material available on record.

4. I have considered submission of learned counsel for the parties.

5. A copy of charge sheet has also been placed on record, from which it is clear that all the relevant facts have been mentioned by the trial court, while framing charge against the petitioner. No illegality or perversity has been pointed by learned counsel for the petitioner in the charges framed against the petitioner for the above-mentioned offences.

6. Hon'ble Apex Court in State of M.P. v. S.B. Johari & Others, reported in (2000) 2 SCC 57, while interpreting scope of Sections 227, 228 and 397 Cr.P.C. held that at the time of framing of charges, the court is required to see whether prima facie there was sufficient ground for proceeding against the accused; it cannot appreciate the evidence to arrive at a conclusion in the matter at this stage.

7. Since there is prima-facie evidence to frame above-mentioned charges against the petitioner in the present case and no illegality or perversity has been pointed out by learned counsel for the petitioner in the order framing charges or charges itself, therefore, I do not find any merit in this revision petition.

8. Revision petition is, accordingly, dismissed.

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