

Prahlad Vs. State of Rajasthan

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Court : Rajasthan

Decided On : Jul-29-2011

Judge : Narendra Kumar Jain, J.

Acts : Indian Penal Code (IPC) - Sections 498A, 406; Code Of Criminal Procedure (CRPC) - Section 227 and 228

Appeal No. : S.B. CRIMINAL REVISION PETITION NO.383 of 2011

Appellant : Prahlad

Respondent : State of Rajasthan

Advocate for Def. : Ms.Rekha Madnani, Adv

Advocate for Pet/Ap. : Mr. Umesh Vyas, Adv

Judgement :

1. Heard learned counsel for the parties.
2. Petitioner has preferred this revision petition challenging the impugned order dated 09.12.2010 passed by the trial Court, whereby charges have been ordered to be framed against the petitioner of the offence under Sections 498-A and 406 IPC.
3. Submission of the learned counsel for petitioner is that petitioner filed a suit for dissolution of marriage against his wife Smt. Kanta and after receipt of notice of

the suit, the present report was filed by her against him, therefore, allegations alleged in the report are absolutely false and after thought, therefore, the trial Court has committed an illegality in framing charges against the petitioner on the basis of false allegations.

4. I have considered the submissions of the learned counsel for petitioner and contents of charge-sheet, which has also been filed along with the revision petition and from perusal of the charge-sheet, it is clear that there is sufficient evidence on record to proceed in the case against the petitioner.

5. The complainant did not file report before filing the suit by accused itself cannot be a ground to assume that allegations alleged in the report are false, at this stage. The petitioner will have a right of cross examination of complainant during trial of the case.

6. Hon'ble Apex Court in *State of M.P. v. S.B. Johari & Others*, reported in (2000) 2 SCC 57, considered scope of Section 227 and 228 Cr.P.C. and 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.

7. In view of above discussions, I do not find any merit in this revision petition and the same is, accordingly, dismissed.

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