



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Criminal Revision No. 1505 / 2017

Amrit Lal S/o Bhagwana Ram, By Caste Mali, Resident of Sukh
Sagar Krishi Farm, Tinwari, P.S. Mathaniya, District Jodhpur.

----Petitioner

Versus

State of Rajasthan

----Respondent

For Petitioner(s) : Mr. O.P. Joshi

For Respondent(s) : Mr. L.R. Upadhyay, P.P., for the State

HON'BLE MR. JUSTICE P.K. LOHRA

Order

19/01/2018

Accused-petitioner has preferred this revision petition under Section 397/401 Cr.P.C. to assail impugned order dated 25.10.2017 passed by Special Court, POCSO Act Cases, Jodhpur (for short, 'learned trial Court') framing charge against him for offence punishable under Sections 341, 366-A, 354-A and 354-D IPC and Section 7/8 of the POCSO Act as well as Sections 3(1)(xi) & 3(2)(V) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The facts, in brief, are that complainant Achala Ram lodged First Information Report No.172/2014 at Police Station Mathania, District Jodhpur for offences punishable under Sections 341, 366-A, 354-A and 354-D IPC and Section 7/8 of the POCSO Act as well as Sections 3(1)(xi) & 3(2)(V) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.



Police after investigation has submitted charge-sheet in the matter.

Learned trial Court, after taking cognizance for the aforesaid offences against petitioner, proceeded to hear arguments on charge and by the order impugned framed charges for the aforesaid offences.

I have heard learned counsel for the petitioner, learned Public Prosecutor and perused the materials available on record.

There remains no quarrel that at the stage of framing charge, a Court is required to examine prima facie material available on record and it is not desirable from the Court to thoroughly scanned the materials available on record. The requirement for framing charge is that prima facie case is made out and at that stage, Court is not expected to examine sufficiency of evidence resulting into conviction.

While it is true that there are certain discrepancies about date of incident in the FIR and the evidence of the prosecutrix but then the discrepancies are not touching roots of the matter. The prosecutrix in her statements under Section 161 Cr.P.C. has narrated the entire incident which is duly corroborated in her 164 Cr.P.C. statements to prima facie castigate petitioner for commission of the aforesaid offences.



Therefore, in my view, while framing the charge, learned trial Court has not committed any illegality or impropriety warranting interference in exercise of revisional jurisdiction.

Resultantly, the revision petition fails and the same is hereby dismissed.

(P.K. LOHRA)J.

Bharti/10

RAJASTHAN HIGH COURT



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