

CASE NO.:
Appeal (crl.) 1138 of 2001

PETITIONER:
MUNNA DEVI

Vs.

RESPONDENT:
STATE OF RAJASTHAN & ANR.

DATE OF JUDGMENT: 06/11/2001

BENCH:
M.B. Shah & R.P. Sethi

JUDGMENT:

SETHI, J.

Leave granted.

Aggrieved by the framing of charges against him under Sections 376, 511, 451 and 354 of the Indian Penal Code, the respondent-accused filed a revision petition in the High Court which was allowed vide the order impugned in this appeal by quashing the charges framed against him. The appellant-complainant-prosecutrix has filed this appeal submitting that the impugned order is against the provisions of law as the High Court could not prevent the holding of trial by sitting in appeal against the order of framing of charge by sifting and weighing the evidence recorded during the investigation.

We find substance in the submission made on behalf of the appellant. The revision power under the Code of Criminal procedure cannot be exercised in a routine and casual manner. While exercising such powers the High Court has no authority to appreciate the evidence in the manner as the trial and the appellate courts are required to do. Revisional powers could be exercised only when it is shown that there is a legal bar against the continuance of the criminal proceedings or the framing of charge or the facts as stated in the First Information Report even if they are taken at the face value and accepted in their entirety do not constitute the offence for which the accused has been charged. This Court in *Kanti Bhadra Saha & Anr. v. State of West Bengal* [2000 (1) SCC 722] has held that there is no legal requirement for the trial court to write a reasoned or lengthy order for framing the charges.

In the instant case the learned Judge ignored the basic principles which conferred the jurisdiction upon the High Court for exercise of revisional powers. It was premature for the High Court to say that the material placed before the trial court was insufficient for framing the charge or that the statement of the prosecutrix herself was not sufficient to proceed further against the accused-respondent.

As the impugned order has been passed against the settled position of law, it is unsustainable and is accordingly set aside. The order of framing the charge passed by the trial court against the accused is upheld with directions to it to proceed with the trial of

the case and dispose of the same on merits in accordance with law.

.....J.
(M.B. SHAH)

.....J.
(R.P. SETHI)

NOVEMBER 6, 2001

JUDIS