

In the Court of 1st Additional Sessions Judge
Bhagalpur.

ST 550/15

ORDER

20.02.2020 A petition dated 1.12.15 on behalf of accused petitioner Rajiv Ranjan Singh is filed to discharge the petition of the petitioner.

A rejoinder dated 20.12.19 is filed on behalf of the prosecution to reject the petition of the aforesaid petitioner.

Ld. Addl. P.P for the State opposed it orally.

Heard both sides and perused the case record. The plea of petitioner is that offense either u/s 354 or 376/511 of IPC is made out against accused petitioner and mechanically CJM has taken cognizance under both sections. He has filed this petition as per order of Honorable High Court Patna in Cri. Misc. No. 36409/2012.

After perusal of FIR, C.D it appears in para 02,07,08,17 and 25 of C.D it appears taht there is sufficient material to frame charge. It is well established law that even on mere suspicion charges may be framed. Framing charge does not amount to conviction rather it may be framed only on mere suspicion. Moreover, on the basis of materials available in C.D cognizance has already been taken and it has not been challenged in competent Court yet. The facts mentioned in petition are material of trial and that can be considered at the time of trial and final disposal.

Considering all the facts and circumstances the petition of the petitioner is hereby rejected in the interest of justice.

Put the record on 28-04-2020 for framing charge.


Addl. Sessions Judge 1st
Bhagalpur.