

Court of Sessions Judge, Jamui.
S.T.No.144/2013 = U.A.P.Case No.27/2015

18.11.2019

In this case, a petition U/s.227 Cr.P.C. was filed on 10.4.2019 on behalf of the accused/petitioner Pinku Yadav, in which, he has stated that on 12.11.14 a petition to discharge him from case was filed which was rejected on 23.3.19 without hearing of the party. Admittedly, there is no material on record to frame charge against the petitioner, and on perusal of F.I.R. it is admitted fact that from possession of petitioner, nothing has been recovered, and as such, section of Arms Act are not applicable against him. There is also no material in case diary to frame charge against the petitioner under U.A.P. Act, which is not at all applicable against the petitioner. Therefore, the petitioner is liable to discharge from the case.

Perused the record. I find that previously, this petitioner has filed petition U/s.227 Cr.P.C. on 12.11.14, but petition filed on behalf of the petitioner was moved till 23.3.19.

On perusal of written report, it appears that police officer alongwith CRPF personnel raided the house of the petitioner and recovered two guns, some cartridges, and also some naxalite papers, and petitioner was arrested at the spot. On perusal of case diary, it appears that para 10, 11, 12, and 13 are statement of witnesses, who have supported the case of prosecution, and para 41 shows that sanction order for prosecution has been obtained by the I.O.

In the above whole circumstances, and material available on record, I find that this petitioner was arrested at the P.O. by combing operation of State police, and CRPF personnel, and recovered some arms and ammunition as well as Naxalite papers from his possession. All witnesses have stated that this petitioner is linked with other Naxalite. Therefore, I find that there is sufficient material on record to frame charge against the accused/petitioner, and accordingly, the petition U/s.227 Cr.P.C. filed on behalf of the accused/petitioner is rejected. The petitioner is directed to remain present in the court on court on the date fixed for framing of charge.

Put up on.....2019 for framing of charge.

(Dictated)

Sessions Judge, Jamui.