

Court of Sessions Judge, Jamui.

S.T. No. 72 / 2020

Dated: 18.06.2022

1. The sole accused Chandan Yadav is in attendance. Case called out. On call, the accused Chandan Yadav appeared with his counsel. The learned counsel of accused and learned P.P. was heard on the petition dated 31.05.2022 filed on behalf of accused Chandan Yadav under Section 227 Cr. P.C.

ORDER

2. On behalf of accused Chandan Yadav, a petition under Section 227 Cr. P.C. was filed on 31.05.2022, stating therein that the allegation as alleged against the petitioner is absolutely false, concocted and frivolous and he has been falsely implicated in this case on the basis of land dispute. It has been further submitted by the learned counsel for the petitioner that no witness under Section 161 Cr. P.C. has supported the prosecution case and injury report does not corroborate the allegation. Hence, this petitioner deserves discharge from this case.

3. On the other hand, the learned P.P. has vehemently opposed the petition dated 31.05.2022 filed by accused / petitioner and submitted that there is sufficient material in para nos. 6, 10, 11, 12, 13, 21, 26, 31, 32 and 38 of the case diary and all the witnesses have stated about the complicity of this accused petitioner in the alleged occurrence.

4. Perused the case record and case diary. On perusal, it appears that the accused petitioner is named in the F.I.R. and all the witnesses, including informant has stated about the complicity of this accused / petitioner in the alleged occurrence. Though, there is no specific allegation of assault against this accused / petitioner, but it has been stated in the written application of the informant that the accused / petitioner was armed with Lathi and Danda and he along with other accused persons brutally assaulted the informant and his family members, as a result, the informant and his family members received injury, which is evident from the injury report of informant Parmeshwar Yadav. Hence, there is sufficient material against this accused petitioner for framing of charge for the offence punishable under Sections 341, 323, 324, 307, 337 and 504 / 34 of I.P.C. **Accordingly, petition dated 31.05.2022 filed on behalf of this accused petitioner is rejected.**

The learned counsel for the accused / petitioner submitted that the accused / petitioner does not want to file any revision against this order, hence charges were

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framed for the offence punishable under Sections 341, 323, 324, 337, 307 and 504 / 34 I.P.C. against the accused / petitioner and the same were read over and explained in Hindi language to the accused / petitioner, to which, he pleaded not guilty and claimed to be tried.

Office is directed to issue summon against the non official witnesses of the chargesheet

Put up on 28.07.2022 for prosecution evidence.

(Dictated)

Sessions Judge, Jamui.