

S. Trial no. 41/2018

O R D E R

07.03.2019 – A petition has been filed on behalf of the accused petitioner u/s 227 Cr.P.C. stating therein in that no case has been made out against the accused so he be discharged from the case.

Learned counsel for the accused petitioner submitted that from perusal of inquest report and seizure list it appears that there is no involvement of the accused in the crime. He has further stated that from perusal of the case diary para-10 and 11 it reveals that the witnesses have stated that they have not seen the occurrence. And other witnesses in the case diary are hearsay witnesses. So, he prayed to discharge the accused from this case.

Addl. P.P. has opposed the petition and submitted that there are ample material against the accused in the case diary.

Heard both sides and perused the record. The case of informant is that his brother, deceased Sunil Kumar has informed him on telephone that 13-14 persons are forcefully taking him away to kill him when the informant reached there, he was informed by the local people that 12 persons including the accused petitioner had taken away the deceased.

From perusal of F.I.R. it appears that the petitioner is named in the F.I.R. and the police after investigation found case true against the accused petitioner and submitted charge-sheet on 23.11.2017 u/ss 147, 148, 149, 302, 201, 120(B) I.P.C. against the petitioner. From perusal of the case diary para-10, 11 the witnesses have supported the factum of case and supported the involvement of accused petitioner in this crime.

The principle laid u/s 227 Cr.P.C. is that if the prosecution case is not rebutted it will result in conviction. So, there are ample material available on record to this regard and to frame charges.

Considering the above discussion and fact, the petition dt. 12.06.2018 u/s 227 Cr.P.C. is hereby rejected. The accused is directed to present physically before the court on the date fixed for framing of charge.

Put up onfor framing of charge.

(Dictated)

S.D/

7th Addl. Sessions Judge. .