

Court of Additional Sessions Judge 1st, Bagaha, West Champaran.

Sessions Trial :- 181/2022

CIS No.- 70/2022

State Vs Khurshid Alam & others

09.11.2022 : All five accused persons are represented u/s 317 Cr.P.C. Attendance of informant Mumtaz Alam has been filed. Heard the learned counsel for informant as well as learned App on discharge petition dated 21.6.22 and rejoinder thereof.

. In course of hearing, the learned counsel for petitioner has submitted that in this case, FIR has been registered for the offences u/s 147,149,341,323,354,379,504 of the IPC. I.O. has submitted charge sheet u/s 307 IPC along with aforesaid sections. From perusal of evidence available in case record it appears that the petitioner have not committed offence as alleged by prosecution whereas it happens in self defence. There is no evidence to frame charge u/s 147,149,341,323,324,337,307,325,504,506 IPC against the petitioners. Lastly, he prayed to discharge the petitioners from the offences leveled.

On the other hand, Ld. Additional P. P. vehemently opposed the contention of the petitioner and submitted that petitioners are named in FIR. As per allegation, the petitioners have brutally assaulted informant Mumtaz Miya, his wife and sons by lathi and labeda. There are sufficient evidence available in Para No. 10,11,12,28,29,30,60 of case diary. Injury report of Mumtaz Miya shows that Injury is grievous. As such there is sufficient material in case diary to frame charge u/s 147,149,341,323,324,337,307,325,504,506 of the IPC against petitioners for which cognizance has been taken and case has been committed.

Perused the case record and case diary. From perusal the same, it appears that injury inflicted on the person of Abdul Rahman, Ashiya Khaton, Khalid Alam, Suleman Alam and Mumtaz Miya is caused by hard and blunt substance which is corroborated in para 28,29,30,31 and 60 of case diary. Injury of one of the injured namely Mumtaz Miya is grievous in nature and inflicted on side frontal area at forehead which is vital part of the body and he has referred to higher institution for better treatment. There are also sufficient evidence available in para no. 7,8,9,10,11,12 and 13 of case diary in which witnesses have supported the prosecution case and allegation against the accused persons. On perusal of evidences available in case diary, I find sufficient evidence to frame charge against the petitioners u/s 147,149,341,323,324,337,307,325,504,506 of the IPC for which charge sheet has been submitted and cognizance is taken. I find no merit in aforesaid petition filed u/s 227 of Cr.P.C. Hence, the same is rejected. Put up the record for framing charge on dated 25.11.22

Dictated.



Additional Sessions Judge 1st