

**NAFR****HIGH COURT OF CHHATTISGARH AT BILASPUR****CRR No. 444 of 2026**

1 - Ravishankar Singh Thakur S/o Lt. Mahesh Singh Thakur Aged About 49 Years R/o Ward No. 08 Near Post Office Sarangarh Thana Sarangarh, District- Sarangarh-Bilaigarh (C.G.).

... Applicant**versus**

1 - State Of Chhattisgarh Through Sarangarh, District- Sarangarh-Bilaigarh (C.G.).

2 - XYZ Nil.

... Respondents

For Applicant	:	Mr. Jitendra Gupta, Advocate.
For State/Respondent No. 1	:	Ms. Sunita Manikpuri, G.A.
For Respondent No. 2	:	None.

Hon'ble Shri Justice Sanjay Kumar Jaiswal**Order On Board****01/04/2026**

Heard on admission.

- 1.** This criminal revision petition under Section 438/442 of BNSS, 2023 has been filed against the order dated 05.02.2026 passed by the learned second Additional Judge to the Court of Additional Sessions Judge, Sarangarh, District - Sarangarh-Bilaigarh (C.G.) in Sessions Trial No. 62/2026 in connection with Crime No. 495/2025, registered at Police Station - Sarangarh, District - Sarangarh-Bilaigarh (C.G.), whereby the charge under Section 69 of the BNS, 2023 has been framed against the applicant.



2. The charge framed by the trial Court is as follows:-

"आपने दिनांक 31.03.2025 से 29.07.2025 के मध्य की अवधि में सारंगढ़ में अपने घर एवं महिला शिकायतकर्ता/पीडिता के किराये के मकान में तथा रायपुर भाठापारा मठपुरैना स्थित किराये के मकान में प्रवंचनापूर्ण साधनों द्वारा या अन्यथा विवाह करने का वचन देकर, उसे पूरा करने के किसी आशय के बिना महिला शिकायतकर्ता/पीडिता के साथ एक से अधिक बार मैथून किया है। आपके द्वारा किया गया कृत्य **भारतीय न्याय संहिता, 2023 की धारा 69** के तहत दण्डनीय अपराध है।"

3. As per the prosecution's case, on 22.09.2025, complainant-respondent No. 2 lodged a written complaint against the applicant, alleging that the applicant induced her into a physical relationship on the pretext of marriage. Based on this, on 26.09.2025, an FIR was registered under Sections 64(2) and 69 of BNS. After completion of the investigation, charge sheet has been filed comprising statements of witnesses, documents and other material collected during the investigation.
4. Learned counsel for the applicant submits that before the written complaint dated 22.09.2025, on which cognizance was taken and an FIR was registered, the applicant/accused had submitted a complaint to the Station House Officer (SHO) of Sarangarh on 16.09.2025 (Annexure -A/3, page No. 116), alleging that the prosecutrix was issuing threats while demanding a sum of ₹5 lakh. A complaint of a similar nature was also submitted by another individual, Rajendra Patel, which is on page No. 117 of the petition. As such, the applicant has been falsely implicated in this case. Hence, the charge mentioned above is not made out against the applicant, and he may be discharged from the charge.
5. On the other hand, learned counsel for the State opposes the arguments advanced by counsel for the applicant and submits that there is sufficient material for the aforesaid charge; therefore, no interference is required in the order impugned.
6. It is well settled position of law that at the stage of framing of charge, the defence of accused could not be put forth. The acceptance of the contention of learned counsel for the accused would mean permitting the accused to adduce his defence at the



stage of framing of charge and for examination thereof at that stage which is against the criminal jurisprudence. At the stage of framing of charge, the court is not required to meticulously examine the evidence on record and nor conduct a mini-trial. The court would only consider whether prima facie material is there or not to proceed with the trial. The Hon'ble Supreme Court, in case of ***State of Rajasthan v. Fatehkaran Mehdu, reported in AIR 2017 SC 796***, while dealing with the issue, held that at the stage of framing of a charge, the Court is concerned not with the proof of the allegation rather it has to focus on the material and form an opinion whether there is strong suspicion that the accused has committed an offence, which if put to trial, could prove his guilt. The framing of charge is not a stage, at which stage final test of guilt is to be applied.

7. The scope of interference and exercise of jurisdiction under Section 397 of Cr.P.C. has been again reiterated by their Lordship in the case of ***State of M.P. vs. Deepak, 2019 (13) SCC 62*** and it has been held that at the stage of framing of charge, the court has to consider the material only to find out if there is a ground for presuming that the accused had committed the offence and the court is not required to appreciate the evidence on record and consider the allegations on merits and to find out on the basis of the evidence recorded is likely to be convicted or not. In para-16 of the said judgment it has been held as under:

“16. It was also noted that at the stage of framing of charges, the Court has to consider the material only with a view to find out if there is a ground for “presuming” that the accused had committed the offence : (Chitresh Kumar Chopra case [Chitresh Kumar Chopra v. State (NCT of Delhi), (2009) 16 SCC 605 : (2010) 3 SCC (Cri) 367] , SCC p. 613, para 25)

“ 25. It is trite that at the stage of framing of charge, the court is required to evaluate the material and documents on record with a view to finding out if the facts emerging therefrom, taken at their face value, disclose the existence of all the ingredients constituting the alleged offence or offences. For this limited purpose, the court may sift the evidence as it



cannot be expected even at the initial stage to accept as gospel truth all that the prosecution states. At this stage, the court has to consider the material only with a view to find out if there is ground for “presuming” that the accused has committed an offence and not for the purpose of arriving at the conclusion that it is not likely to lead to a conviction.”

- 8.** In the matter of **State (NCT of Delhi) vs. Shiv Charan Bansal and Others, 2020 (2) SCC 290**, the Hon’ble Supreme Court has further held that at the stage of framing of charge, the trial court is not required to conduct a meticulous appreciation of evidence or a roving inquiry into the same and has the power to sift and weigh the evidence for the limited purpose of finding out whether or not a prima facie case is made out against the accused to proceed with the trial.
- 9.** The complaints presented by the applicant's counsel on page Nos. 116 and 117 of the petition could potentially serve as a defence for the applicant; however, the merits of a defence are not typically examined at the stage of framing charges. It is evident that the applicant is already a married person, and the prosecutrix is a widow. Thus, applying the aforesaid principles in this case and after going through the charge sheet, the victim’s written complaint and the other documents annexed thereto, a prima facie case constituting an offence under Section 69 of BNS is evident. As such, at this stage, the defence adduced by the applicant cannot be accepted as gospel truth; the same has to be decided on the floor of the Court during trial while they are tested by virtue of examination and cross-examination.
- 10.** Thus, in view of the foregoing discussion, I am not inclined to interfere with the order of framing of charge at this stage. Accordingly, the instant petition stands **dismissed** at the admission stage itself.

Sd/-
(**Sanjay Kumar Jaiswal**)
JUDGE