



2026:CGHC:18087

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****CRR No. 534 of 2026**

- Shrenik Kumar Sanghvi, S/o Shri Naresh Bhai Sanghvi, aged about 25 Years, R/o -206/c, Rajaratan Apartment, Koshamba Road, Beside Shroff Chawl, District--Valsad (Gujarat) **...Applicant**

versus

- State of Chhattisgarh, Through P.S. Kotwali, District- Rajnandgaon (C.G.) **... Respondent**

For Applicant	: Mr. Achyut Tiwari, Advocate.
For Respondent/State	: Mr. Vivek Mishra, Panel Lawyer.

Hon'ble Shri Justice Radhakishan Agrawal**Order on Board****21/04/2026**

- This criminal revision has been preferred by the applicant under Section 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (in short, 'BNSS'), calling in question the legality and correctness of the orders dated 04.09.2025 and 29.12.2025 passed by the learned 3rd Additional Sessions Judge, Rajnandgaon, C.G., in Sessions Case No. 63/2025, whereby charges have been framed against the applicant under Sections 318(4) read with Section 49, 317(4) read with Section 3(5), 111 & 61(2)(a) of the Bharatiya Nyaya Sanhita, 2023 (for short, "BNS").
- Case of the prosecution, in brief, is that complainant, Rupesh Kumar Sahu, who runs a choice centre at Station Road, Rajnandgaon, lodged a report on 23.01.2025 stating that co-accused- Ashutosh Sharma,



being his customer, requested him to provide his Bank of Baroda account on the pretext that his own account had been frozen. Acting on this request, the complainant shared his bank account details, in which money was deposited on 6–7 occasions and thereafter withdrawn. On one such occasion, an amount of Rs.90,000/- was deposited and immediately transferred. Subsequently, after 2–3 days, the complainant's account was frozen by the cyber crime authorities, and an amount of Rs. 20,000/- was kept on hold.

3. During investigation, co-accused- Ashutosh Sharma, in his memorandum statement, stated that bank account details were procured on commission through persons, including the present applicant, and were used for fraudulent transactions. Based on traced mobile numbers, the present applicant, Shrenik Sanghvi alias Mihir, was found involved. It is alleged that the applicant also admitted his role in organised criminal activities. After investigation, a charge-sheet has been filed against the applicant and other co-accused persons, including for the offence under Section 111 of the BNS.
4. Learned counsel for the applicant confines his challenge to Charge No. 3 framed under Section 111 of the BNS. It is submitted that the applicant has been falsely implicated and his name does not find place in the FIR or in the statements of the witnesses. It is further submitted that there is no material available in the charge-sheet to attract the ingredients of Section 111 of the BNS. He also submits that the essential requirement of "continuing unlawful activity" is not satisfied and the applicant has no criminal antecedents. Therefore, it is



contended that the framing of the said charge is erroneous and liable to be set aside.

5. Per contra, learned State counsel opposes the revision and submits that the trial Court has rightly considered the material available on record and that the charge-sheet *prima facie* shows the involvement of the applicant along with the co-accused persons. It is further submitted that at the stage of framing of charge, a detailed appreciation of evidence is not required and only *prima facie* material is to be seen.
6. I have heard learned counsel for the parties and perused the material available on record.
7. 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 **(2017) 3 SCC 198**, 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.

8. 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.”

9. 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.

10. Examining the present case in light of the aforesaid principles and the material available on record, this Court finds that the prosecution case *prima facie* discloses the involvement of the applicant in the alleged offence. The complainant has stated that his bank account was used for receiving and transferring money at the instance of co-accused- Ashutosh Sharma, which was later found to be connected with fraudulent transactions. The memorandum statement of the co-accused shows that such accounts were arranged through persons including "Mihir", who has been identified as the present applicant on the basis of mobile number linkage. The material also shows that the applicant was connected with other accused persons.
11. As regards Section 111 of the BNS, it relates to organised crime involving activities carried out by more than one person acting together. In the present case, the material on record indicates involvement of multiple persons in obtaining bank account details and transferring money through such accounts. At this stage, these facts are sufficient to show *prima facie* involvement of the applicant in such organised activity. The contentions regarding absence of criminal antecedents and non-fulfilment of "continuing unlawful activity" involve disputed questions of fact, which cannot be conclusively examined at this stage.



12. In view of the above, this Court finds no illegality or perversity in the impugned order framing charge under Section 111 of the BNS.

13. Accordingly, the criminal revision, being devoid of merit, is hereby dismissed.

14. It is made clear that this Court has not expressed any opinion on the merits of the case and the trial Court shall decide the matter, on its own merits, strictly in accordance with law, without influencing any observation made in this order.

Sd/-
(Radhakishan Agrawal)
Judge

Akhilesh