

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No. 3173/2000
(From the judgement and order dated 10/08/2000 in MCRLC 3574/99
of The HIGH COURT OF M.P AT INDORE)

RAMCHANDRA

Petitioner (s)

VERSUS

STATE OF M.P.

Respondent (s)

(With Appln(s). for stay)
(With Office Report)

Date : 02/01/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.B. PATTANAIAK
HON'BLE MR. JUSTICE B.N. AGRAWAL

For Petitioner (s) Mr. Ranjit Kumar,Sr.Adv.
Ms. Binu Tamta,Adv.

For Respondent (s) Mrs. Vibha Datta,Adv.with
Mr. Uma Nath Singh,Adv.

UPON hearing counsel the Court made the following
O R D E R

.....L.....I.....T.....T.....T.....T.....J.
.SP2

Leave granted.
The appeal is disposed of.

.SP1

(Y.P.Dhamija) (Suneet Bala Sharma)@@
AA
COURT MASTER COURT MASTER

Signed order is placed on the file.

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.6/2001@@
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(arising out of SLP(Crl) No. 3173/2000)

Ramchandra ...Appellant

Vs.

The State of M.P. ...Respondent

O R D E R@@
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.....L.....I.....T.....T.....T.....T.....T.....J.
.SP2

Leave granted.

The accused is the appellant against the order of the High Court refusing to interfere with the order framing charge in Sessions Trial No.185/1998. The learned Trial Judge framed charge under sections 498-A and 304-B IPC. The prosecution story is that the deceased Manisha died on 15.11.1997 at 4.00 p.m. while boiling milk on stove and she had 100% burnt. Because of certain evidence procured in course of investigation that there was some difference between the wife and the husband, the learned Sessions Judge framed the charge under sections 498-A and 304-B IPC. Mr. Ranjit Kumar, the learned senior counsel appearing for the husband accused-appellant contends that in view of the two dying declarations recorded of the deceased, and in the absence of any other materials on record the prosecution has failed to establish prime-facie case against the accused and the Courts therefore were not justified in framing the charge under sections 498-A and 304-B IPC. The two dying declarations are on record and it unequivocally indicates

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that the accused has no role to play in the burning of the deceased and in fact the deceased herself while working with the stove caught fire and the kerosene oil box had fallen upon her and as such she got burnt. In the aforesaid premises, we are of the considered opinion that the Court had no sufficient materials for framing the charge against the accused-appellant and is a fit case where the High Court should have exercised its power under section 482 of the Code of Criminal Procedure. We, therefore, set aside the impugned order of the High Court as well as the order of the learned Sessions Judge framing charge and direct that the criminal proceedings against the accused appellant under sections 498-A and 304-B stand annulled.

The appeal is disposed of accordingly.

.SP1
.....J.
(G.B. PATTANAIAK)

New Delhi,
January 02, 2001
.....J.
(B.N. AGRAWAL)