



NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRMP No. 153 of 2026

1 - Manoj Kumar Jaiswal S/o Shivanarayan Jaiswal Aged About 35 Years R/o Village Puraina, P.S. Urga, Tehsil Barpali, District Korba (C.G.)

2 - Vishnu Patel S/o Sahdev Prasad Patel Aged About 35 Years R/o Industrial Area, Shankar Nagar, Kharmora, Ward No. 28, Chowki Rampur, Tehsil And District Korba (C.G.)

... Petitioners

versus

1 - State Of Chhattisgarh Through SHO, Police Station Kotwali, District Korba (C.G.)

2 - Smt. Rajkumari Jaiswal W/o Manoj Kumar Jaiswal Aged About 31 Years R/o Barpali, P.S. Urga, Distt. Korba, Chhattisgarh.

... Respondents

For Petitioners : Mr. Aditya Pandey, 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

24/02/2026

Heard on admission.

1. This petition under Section 528 of BNSS, 2023 has been filed against the order dated 07.07.2025 passed by the

learned Sessions Judge, Korba (CG) in Criminal Revision No. 13/2025 whereby the revisional Court has affirmed the order dated 11.12.2024 passed by the learned JMFC, Korba of framing charge under Sections 294, 506 Part-II, 323 read with Section 34 and 354 of IPC.

- 2.** As per the prosecution case, complainant-respondent No. 2 - Rajkumari Jaiswal is the wife of petitioner No. 1 - Manoj Kumar Jaiswal, who lodged an FIR on 17.10.2022, on the ground that on 13.10.2022, on the occasion of Karwachauth festival she along with her nephew Akash Jaiswal went to meet her husband Manoj Jaiswal and upon reaching his house, they saw the petitioners with some other woman in an objectionable position, it has been alleged in the FIR that upon looking to the above mentioned scenario, the complainant was shocked and was disturbed and upon questioning the petitioner about situation, the petitioners started abusing the complainant and thereafter started assaulting her, it has been alleged in the FIR that Akash Jaiswal tried to intervene and stop the situation whereby he was also assaulted and abused by the petitioners. The complainant has further alleged that her clothes were torn off by the petitioners and the petitioners have outraged her modesty and threatened to kill her. Thereafter, the complainant has lodged an FIR under Sections 294, 506-II, 323, read with Section 34 and 354 of IPC and a Crime No. 986/2022 has been registered against the petitioners.
- 3.** Learned counsel for the petitioners submits that the complainant/respondent No.2, who is the wife of petitioner No. 1 -Manoj Jaiswal, has a matrimonial dispute with her husband/Petitioner No. 1, which has led to a false implication. The petitioner No. 1/husband of the complainant was also submitted a complaint, but the police

had not taken any action on the report filed by him, and on the incident in question, dated 13.10.2022, his nephew, Akash Jaiswal, was with the prosecutrix/complainant, who has not supported the offence under Sections 354 etc. in his statement under Section 161 of Cr.P.C. Hence, the charges mentioned above are not made out against the petitioners and they may be discharged from the charges.

4. On the other hand, learned counsel for the State opposes the arguments advanced by counsel for the petitioners and submits that there is sufficient material for the aforesaid charges; therefore, no interference is required in the order impugned.
5. 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.

6. 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.”

7. 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.

8. Applying the aforesaid principles in this case after going through the charge sheet, victim's written complaint, the statement of the victim under Sections 161 and 164 of Cr.P.C. and the other documents annexed thereto, at this stage, the defence adduced by the applicant cannot be accepted as gospel truth and it is inappropriate to examine the contradictions in the statement of the witnesses. The same has to be decided on the floor of the Court during evidence while they are tested by virtue of examination and cross-examination.
9. Thus, in view of the forgoing 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

H.L. Sahu