



2026:CGHC:14522

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****Criminal Revision No.25 of 2026**

Ashutosh Pandey S/o R. Hari Narayan Pandey Aged About 40
Years Ticket Collector, House No.C.T.50/2, Babuline Railway
Colony Gondia, Maharashtra (441601) **... Applicant**

versus

1 - State Of Chhattisgarh Through Government Railway Police
(G.R.P.), Dongargarh, Dist. Rajnandgaon, C.G. (491445)

2 - Soumya Shukla, D/o Rajesh Shukla, aged About 24 Years, R/o
Tethwar Para, Ward No.22, Dongargarh, Dist. Rajnandgaon, C.G.
(491445) **... Non-Applicants**

For Applicant: Shri Udit Khatri, Advocate.
For State/Non-Applicant No.1: Ms. Sunita Manikpuri, G.A.

Hon'ble Shri Justice Sanjay Kumar Jaiswal
Order on Board

27.03.2026

1. This Revision under section 438 r/w Section 442 of BNSS, 2023 has been filed against the order dated 02.09.2025 passed by the learned Sessions Judge, Dongargarh, District Rajnandgaon (CG) in Sessions Trial No.13/2025 whereby, the charge has been framed against the Applicant for the offence under Sections 74 and 75(1)(ii)(iv) of BNS, 2023.
2. As per the prosecution case, on 05.04.2025, a written complaint was submitted by the victim wherein, it is alleged that while travelling in Train No.12069, the Applicant (TTE), sat beside her after checking her MST, inquired about her details, forcibly took her mobile number and made inappropriate physical contact. It is further alleged that upon reaching Dongargarh, he came close to her and made an improper remark, later stating that he was joking and also handed over his visiting card. Thereafter, on the advice of her family, she lodged the complaint and on the basis of the said complaint, an offence under Section 74 of the BNS was registered and taken up for investigation.
3. After filing of the charge-sheet, the trial Court framed charges against the Applicant as mentioned above relating to use of criminal force and outraging the modesty of a woman. Being aggrieved by the said order of framing of charge, the Applicant has preferred the present Revision.

4. Learned counsel for the Applicant contends that the victim had boarded the train without a valid ticket and the Applicant, being a TTE, merely asked her to pay the requisite fare and also issued a challan of Rs.325/- against her. It is submitted that the FIR has been lodged only as a reaction to the said *challan* and is false and motivated. It is further contended that there is no independent eyewitness to the alleged incident, therefore, it is prayed that the order dated 02.09.2025 framing charges may be set aside and the present Revision may be allowed.

5. On the other hand, learned State Counsel opposed the prayer and submitted that the Applicant cannot be discharged on the basis of his defence. It is further submitted that the trial is already in progress and the victim has been examined, therefore, no interference is warranted at this stage.

6. The issue whether the general allegations are made against the Applicant for the alleged criminal force and outraging the modesty of a woman can only be determined after evidence is presented. At the stage of framing of charge, the Court would only consider whether *prima facie* material is there or not to proceed with the trial.

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. 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.

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. Applying the aforesaid principles to the instant case, upon perusal of the charge-sheet and the documents annexed thereto, this Court is of the view that at this stage, the defence sought to be raised by the Applicant cannot be accepted. The same is required to be adjudicated during trial on the basis of evidence led by the parties, after due examination and cross-examination of witnesses. Further, considering the material collected during investigation, as reflected in the charge-sheet, this Court finds that a *prima facie*

case is made out against the Applicant. Merely on the ground that there is no independent eyewitness, the charges cannot be set aside at this stage. It is also pertinent to note that after framing of charges, the trial has already commenced and the victim has been examined, therefore, no interference is warranted at this stage.

11. Thus, in view of the foregoing discussion, as well as the law laid down in the aforesaid citations and the submissions advanced by learned Counsel for the parties, this Court is not inclined to interfere with the impugned order of framing of charge.

12. Accordingly, the present Revision stands **dismissed** at the admission stage.

Sd/-

(Sanjay Kumar Jaiswal)
Judge