



RAJASTHAN HIGH COURT  
**HIGH COURT OF JUDICATURE FOR RAJASTHAN**  
**BENCH AT JAIPUR**

S.B. Criminal Revision Petition No. 566/2024

1. Gopal Mehra S/o Shri Puranchand, Aged About 51 Years, R/o H.no. 2893/6, Kahar Mohalla, Nasirabad District Ajmer
2. Vinay Mehra S/o Shri Hari Shanker, Aged About 245 Years, R/o H.no. 2893, Kahar Mohalla, Nasirabad, District Ajmer
3. Gyan Mehra S/o Shri Puranchand, Aged About 57 Years, R/o H.no. 2893, Kahar Mohalla, Nasirabad District Ajmer

----Petitioners

Versus

1. State Of Rajasthan, Through Pp
2. Akram Kureshi S/o Ajimula, R/o Badi Mandi, Nasirabad, District Ajmer (Complainant)
3. Farhan S/o Akram, R/o H.no. 3128, Palsaniya Road, Nasirabad City, District Ajmer. (Injured)
4. Irfan S/o Akram, R/o H.no. 3128, Palsaniya Road, Nasirabad City, District Ajmer. (Injured)
5. Aadil S/o Akram, R/o H.no. 3128, Palsaniya Road, Nasirabad City, District Ajmer. (Injured)

----Respondents

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For Petitioner(s) : Mr. Rahul Agarwal  
For Respondent(s) : Mr. Mahendra Meena, PP

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**HON'BLE MR. JUSTICE ASHOK KUMAR JAIN**

**Order**

**26/07/2024**

1. Aggrieved from order dated 27.02.2024 in sessions case arising out of FIR No. 102/2023 P.S Nasirabad, District Ajmer instant revision petition is preferred by petitioners accused challenging the order of charge passed by learned Additional Sessions Judge, Nasirabad, District Ajmer.



2. Learned Public Prosecutor accepts notice on behalf of State.
3. Learned counsel for petitioners submits that despite order dated 04.01.2024 in revision petition no. 1998/2023 learned trial court has again framed charge under Section 307 IPC without considering that charge under Section 307 IPC is not made out and the ingredients to frame charge under Section 307 IPC, are not available on record. He further referred judgment of this Court dated 08.05.2023 in S.B. Criminal Appeal No. 408/2023 and submitted that in order to frame charges under Section 307 IPC either there must be evidence to show that the injuries were caused with intention to cause death or injuries must be sufficient to cause death in ordinary course of nature. He also submitted that the trial court has ignored the order passed by this Hon'ble Court on 04.01.2024 in revision petition No. 1998/2023 thus the trial court has committed serious illegality while framing charge under Section 307 IPC.
4. Learned Public Prosecutor opposed the contentions raised by learned counsel for petitioners.
5. Heard learned counsel for petitioners and learned Public Prosecutor. None present for respondent Nos. 2 to 5. Perused the material on record.
6. A co-ordinate Bench of this Court while setting aside order of charge dated 05.12.2023 in the instant case, has directed learned trial court to pass a reasoned order for framing charge. After order dated 04.01.2024, the trial court has passed the order on 27.02.2024 relying upon the injury report of Farhan, which shows that there is a life threatening injury on mid parietal region of Farhan. Moreover, a stick was recovered pursuant to information





under Section 27 of Indian Evidence Act at behest of accused. The trial court further opined that police has also found that offence under Section 307 IPC is made out. The trial court was of the view that it is required to see only prima facie case and not more than this.

7. A perusal of injury report as enclosed in the file clearly indicates that injury nos. 1 and 2 sustained by Farhan were simple and blunt in nature. At first instance both the injuries were found simple in nature. Moreover, the opinion procured by police and in his opinion the Medical Jurist has clearly opined that the injury nos. 1 and 2 as mentioned in MCLIR no. 230/2023 of Farhan are not dangerous to life.

8. Having considered aforesaid, the trial court has not only ignored the order passed by this Court but also deliberately passed an unreasoned order in pursuance to the direction of this Court. Considering the material on record, the charge under Section 307 IPC is not made out from any angle and the trial court has erroneously framed charges under Section 307 IPC.

9. Considering material on record, no case under Section 307 IPC is made out, hence, the petitioners are liable to be discharged from Section 307 IPC but for remaining charges, the trial will continue as per law.

10. In view of aforesaid, the revision petition against order dated 27.02.2024 is allowed and order to frame charge under Section 307 IPC is set aside and petitioners accused are discharged from charge under Section 307 IPC. The petitioners will face charges in other sections.



11. This is a case of disobedience and also judicial indiscipline wherein learned trial court ignored the direction dated 04.01.2024 passed by the Co-ordinate Bench in the same manner.

12. For taking action against the concerned Presiding Officer, the matter be placed before same Bench which passed the order dated 04.01.2024.

13. This instant revision petition stands disposed of with all pending applications.

(ASHOK KUMAR JAIN),J

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