

HIGH COURT OF MADHYA PRADESH: BENCH AT INDORE

BEFORE HON. SHRI JUSTICE ALOK VERMA,J

M.Cr.C. No.2532/2015

Dr. Praveen Choudhary

Vs.

State of M.P.

Shri D.S. Patel, learned counsel for the applicant.

Ms. M. Ravindran, learned Dy.G.A. for the respondent/State.

ORDER

(Passed on 10/08/2015)

This application under section 482 Cr.P.C. is directed against the order passed by the learned 16th Additional Sessions Judge, Indore in Criminal Case No.837/2014 dated 18.02.2015 whereby the learned Additional Sessions Judge dismissed the revision filed against the order passed by the learned Judicial Magistrate First Class, Indore in Criminal Case No.19764/2013 dated 11.09.2014 wherein the learned Magistrate framed charges under sections 294, 353 and 406 of IPC.

2. The learned Additional Sessions Judge partly allowed the revision and discharged the applicant from charges under sections

353 and 406 of IPC on the premise that to prosecute under these sections permission of the State Government is necessary and without permission the prosecution cannot continue. However, the learned Additional Sessions Judge dismissed the application in respect of charge under section 294 IPC.

3. The facts giving rise to this application are that the present applicant is working as Assistant Professor in Government Naveen Vidhi Vidyalaya, Indore. According to the prosecution story, on 01.05.2013 the examination of L.L.M. (III-Semester) was being held in the law college. The present applicant was performing his official duties in Room No.11. It was alleged that the seating arrangement for 21 candidates was made in Room No.11, out of which 19 candidates turned up. After the examination, the present applicant was under an obligation to return two blank answer books but he returned only one answer book and when the Examination Center In-charge and Principal of the college asked for the reason for not returning one answer book, the present applicant misbehaved with her and used abusive language and also pushed her. The Principal being a woman felt bad about it and subsequently, she lodged a complaint against the present applicant on which a crime under sections 406, 353 and 294 was registered by the Police Station Bhanwarkuwa at Crime No.368/2013.

4. During investigation charge-sheet was filed and by the

impugned order, the learned Magistrate framed charges as aforesaid.

5. Now this application is filed on the ground that the allegations under section 294 is not made out as the incident took place in the Examination Center which was a confidential room and entry of general public was barred in that room and, therefore, it cannot be taken as public place. There is no evidence to show that whatever abusive language was used by the present applicant was heard by person standing outside.

6. Learned counsel for the State opposes the application on the ground that the incident took place in the premises of the law college. As per the cite map prepared by the investigating officer, the incident took place in the courtyard of the college and the place is marked as letter 'B' by the investigating officer and in this view of the matter, the college is a public place and, therefore, no illegality and irregularity committed by the courts below while allowing the charge under section 294 IPC.

7. I have gone through the copies of the charge-sheet filed by the applicant. It appears that the incident took place in the courtyard of the college and not in the confidential room from where the examination center was functioning. In this view of the matter, the submissions rendered by the learned counsel for the

applicant does not appear acceptable. After going through the impugned order no irregularity has been committed by the courts below and in this view of the matter, this application is liable to be dismissed and dismissed accordingly.

8. So far as the charges under sections 406 and 353 of IPC is concerned, it appears that the State failed to challenge the order by filing a separate revision, however, prima-facie the view taken by the learned Additional Sessions Judge in light of the various judgments of this Court as well as the Hon'ble Apex Court appear erroneous and, therefore, this Court inclines to take the matter in revision suo-moto and it is directed that the office should register a separate criminal revision and issue notice to the State and the applicant.

9. With observation and direction as aforesaid, this application stands disposed of.

(ALOK VERMA)
JUDGE