



**IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE**

BEFORE

HON'BLE SHRI JUSTICE VIVEK RUSIA

&

HON'BLE SHRI JUSTICE BINOD KUMAR DWIVEDI

ON THE 08th OF JULY, 2025

CRIMINAL REVISION No. 1015 of 2025

ARUN

Versus

THE STATE OF MADHYA PRADESH

.....
Appearance:

Shri Lokesh Mehta - Advocate for the applicant.

Shri Bhuwan Gautam - Govt. Advocate for the respondent / State.

.....
WITH

CRIMINAL REVISION No. 1016 of 2025

ARUN

Versus

THE STATE OF MADHYA PRADESH

.....
Appearance:

Shri Lokesh Mehta - Advocate for the applicant.

Shri Bhuwan Gautam - Govt. Advocate for the respondent / State.

.....
ORDER

Per: Justice Binod Kumar Dwivedi



These criminal revisions under Section 397 read with Section 401 of Cr.P.C. have been preferred assailing the impugned orders dated 04/08/2021 passed in Special Case Lok. Nos.01/2020 and 02/2020, whereby charges under Section 420, 467, 468, 471, 201 and 120-B of the Indian Penal Code, 1860 (hereinafter for short referred as, 'IPC') and Section 13(1)(b) read with Section 13(2) of the Prevention of Corruption Act, 1988 (hereinafter for short referred as, 'PC Act') have been framed against the applicant.

02. Facts in brief of the case in Special Case Lok. No.01/2020 are that applicant in during 21/08/2017 to 24/01/2019 was posted as Chief Municipal Officer in Municipal Council, Namli District Ratlam. Applicant being on the post of public servant without sanction from the State Government involved himself in corruption and financial irregularities and not properly maintained grant register and cash book and by ignoring the Rules allotted funds of Rs.185.90 Lakhs to ineligible persons and thereby enriching himself and caused loss to the government. In Special Case Lok. No.02/2020, applicant during 11/03/2019 to 05/04/2016 in similar capacity got sanctioned an amount of Rs.1.81 Crores for public work, however, by siphoning the aforesaid amount he utilized it for the self and for other ineligible persons and committed misconduct.

03. The aforesaid crimes have been committing conspiring with other co-



accused persons. He has forged the valuable documents by playing fraud and caused loss to the government and the documents so forged have been used as genuine knowing that they are forged for illegal gains. It is also alleged that the legal evidence and all the documents have been destroyed.

04. For these allegations, crime was registered against the applicant at Crime No.366/2019 at Police Station Namli, District Ratlam. On investigation and getting prosecution sanction, charge sheet has been filed against the applicant, which gave rise to the Special Case Lok. Nos.01/2020 and 02/2020.

05. Learned counsel for the applicant submits that charges against the applicant have been framed without going through the documents and their probative value, which is bad in law, therefore, prays for discharge of the accused from the charges framed against him by allowing the revision petitions and by setting aside the impugned orders dated 04/08/2021.

06. Learned counsel for the State has opposed the revision petitions by supporting the impugned orders and contended that ample evidence is available against the accused for framing charges. No illegality has been committed by the learned trial Court in framing charges against the applicant. Criminal Revision No.1015/2025 has been filed after a delay of 1003 days and Criminal Revision No.1016/2025 has been filed after a delay of 1007 days for which no sufficient explanation has been assigned, therefore, both the revision petitions deserve dismissal as being time barred as also on merits.



07. Heard and considered the rival submissions raised at bar and perused the record.

08. Hon'ble the Apex Court in catena of judgments has elaborated with regard to consideration for framing of charges against the accused and the circumstances when accused may be discharged. If the accused is able to demonstrate from the material annexed with the charge-sheet that grave suspicion cannot be inferred against him with regard to the alleged offences, he may be discharged. It is unfair to suggest that such material should not be considered or ignored by the Court at that stage. The main intention of granting a chance to the accused of making submissions as envisaged under Section 227 of the Cr.P.C. is to assist the Court to determine whether it is required to proceed to conduct the trial. Nothing in the Cr.P.C. limits the ambit of such hearing, to oral hearing and oral arguments only and therefore, the trial court can consider the material produced by the accused before the Investigating Officer.

09. The primary consideration at the stage of framing of charge is the test of existence of a *prima facie* case, and at this stage, the probative value of materials on record need not be gone into. This Court by referring to its earlier decisions in the **State of Maharashtra Vs. Som Nath Thapa** reported in **(1996) 4 SCC 659** and the **State of MP Vs. Mohan Lal Soni** reported in **(2000) 6 SCC 338** has held as under:



“..... the nature of evaluation to be made by the court at the stage of framing of the charge is to test the existence of prima-facie case. It is also held at the stage of framing of charge, the court has to form a presumptive opinion to the existence of factual ingredients constituting the offence alleged and it is not expected to go deep into probative value of the material on record and to check whether the material on record would certainly lead to conviction at the conclusion of trial.”

(emphasis supplied)

10. In this regard learned counsel has also relied upon the case of **Vishnu Kumar Shukla Vs. State of Uttar Pradesh** reported as **AIR Online 2023 SC 946**, wherein it is held as under:

“20. In State of Tamil Nadu v N Suresh Rajan, (2014) 11 SCC 709, it was observed notwithstanding the difference in language of Sections 227 and 239, CrPC, the approach of the Court concerned is to be common under both provisions. The principles holding the field under Sections 227 and 228, CrPC are well settled, courtesy, inter alia, State of Bihar v Ramesh Singh, (1977) 4 SCC 39; Union of India v Prafulla K Samal, (1979) 3 SCC 4; Virodhi Parishad v Dilip N Chordia, (1989) 1 SCC 715; Niranjana Singh Karam Singh Punjabi v Jitendra B Bijjaya, (1990) 4 SCC 76; Dilawar B Kurane v State of Maharashtra, (2002) 2 SCC 135; Chitresh K Chopra v State (Government of NCT of Delhi), (2009) 16 SCC 605; Amit Kapoor v Ramesh Chander, (2012) 9 SCC 460; Dinesh Tiwari v State of Uttar Pradesh, (2014) 13 SCC 137; Dipakbhai Jagdishchandra Patel v State of Gujarat, (2019) 16 SCC 547; and State (NCT of Delhi) v Shiv Charan Bansal, (2020) 2 SCC 290. We need only refer to some, starting with Prafulla K Samal (supra), where, after considering Ramesh Singh (supra), K P Raghavan v M H Abbas, AIR 1967 SC 740 and Almohan Das v State of West Bengal, (1969) 2 SCR 520, it was laid down as under:

‘10. Thus, on a consideration of the authorities mentioned above, the following principles emerge:



- (1) *That the Judge while considering the question of framing the charges under Section 227 of the Code has the undoubted power to sift and weigh the evidence for the limited purpose of finding out whether or not a prima facie case against the accused has been made out.*
- (2) *Where the materials placed before the Court disclose grave suspicion against the accused which has not been properly explained the Court will be fully justified in framing a charge and proceeding with the trial.*
- (3) *The test to determine a prima facie case would naturally depend upon the facts of each case and it is difficult to lay down a rule of universal application. By and large however if two views are equally possible and the Judge is satisfied that the evidence produced before him while giving rise to some suspicion but not grave suspicion against the accused, he will be fully within his right to discharge the accused.*
- (4) *That in exercising his jurisdiction under Section 227 of the Code the Judge which under the present Code is a senior and experienced court cannot act merely as a Post Office or a mouthpiece of the prosecution, but has to consider the broad probabilities of the case, the total effect of the evidence and the documents produced before the Court, any basic infirmities appearing in the case and so on. This however does not mean that the Judge should make a roving enquiry into the pros and cons of the matter and weigh the evidence as if he was conducting a trial.”*

(emphasis supplied)

Virtually the aforesaid citation ordain that at the stage of framing of charges the probative value of materials on record need not to be gone into and



the trial Court has to see only as to whether strong suspicion is made out or not.

11. From perusal of the record, it is apparent that ample evidence in the form of documents and statements of the witnesses recorded under Section 161 of Cr.P.C. is available. *Prima facie* there is a strong case against the applicant that he has misused the public post for enriching himself and for causing loss to the government by way of allotting the amount in the name of ineligible persons. Apart from that, both the criminal revisions have been filed with a huge delay of 1003 and 1007 days respectively and sufficient reason has not been assigned for condoning the delay.

12. If we peruse the evidence available in the light of the aforesaid judgment and also keeping in view the huge delay in filing the revision petitions, we are of the considered view that learned trial Court has not committed any error in framing charges against the applicant in both the cases. Resultantly, both the revisions fail and are hereby dismissed.

13. Let a copy of this order be kept in the record of connected revision petition also.

Certified copy as per rules.

(VIVEK RUSIA)
JUDGE

(BINOD KUMAR DWIVEDI)
JUDGE

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