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CRR-605-2025

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 8th OF JULY, 2025CRIMINAL REVISION No. 605 of 2025*ARUN**Versus**THE STATE OF MADHYA PRADESH*

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Appearance:

Shri Lokesh Mehta - Advocate for the applicant.

*Shri Bhuwan Gautam - Government Advocate for the
respondent/State.*

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ORDER

Per. Justice Binod Kumar Dwivedi

This Criminal Revision has been preferred feeling aggrieved by impugned order dated 04.02.2025 in Special Case No. SCLOK/1/2020 arising out of Crime No. 366/2019 registered at Police Station - Namli, Dist. Ratlam whereby the application filed on behalf of the applicant for adjourning prosecution evidence of the case filed on behalf of the applicant has been dismissed.

02. Brief facts of the case are that aforesaid crime number has been registered against the applicant under Sections 409, 420, 466, 467, 468, 471 r/w 34, 120B and 201 of the Indian Penal Code, 1860 (hereinafter referred for short 'the IPC') and under Section 13(1)(c)(d)(ii) of Prevention of



Corruption Act, 1988 (hereinafter referred for short 'PC Act') has been registered on the allegations that he being public servant misused his position for ulterior motive and thereby enriched himself and caused huge losses to the government. He also committed forgery of valuable documents for playing fraud and misappropriating the public fund by syphoning it off and giving benefit of *Pradhan Mantri Yojna* of Central Government by allotting it to ineligible candidates. In the aforesaid crime, charge-sheet has been filed against the applicant and the trial is going on and is at advanced stage. An application dated 30.01.2025 on behalf of the applicant was filed for adjourning the prosecution evidence on the ground that in the FIR allegations have been levelled not only against the applicant, but also against the other accused persons who are not being tried together which will adversely affect the defence. The application was opposed by Public Prosecutor and learned trial Court after giving opportunity of hearing to both the parties dismissed the application and proceeded for trial which has been challenged in this petition.

03. Learned counsel for the applicant submits that if the trial is continued without arraigning the other accused persons, the defence of the applicant will be adversely affected. Learned trial Court has failed to appreciate the contention in right perspective and by impugned order dismissed the application which is bad-in-law, therefore, prays for quashing the aforesaid order dated 04.02.2025 by allowing the present petition.

04. Learned counsel for the State has vehemently opposed the prayer on the ground that the charge-sheet has been filed against the



applicant, therefore, it cannot be adjourned *sine die* waiting for the accused to come before the Court. The impugned order has been passed considering all the facts raised by the applicant. It does not suffer from any infirmity, therefore, needs no interference. On these premises, learned counsel prays for dismissal of the petition.

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

06. The scope of revisional Court under Section 397/401 of Cr.P.C. is limited one. On this aspect, the law laid down by Hon'ble Apex Court in the case of **Amit Kapoor Vs. Ramesh Chander** reported in (2012) 9 SCC 460, is pertinent to quote here as under:-

"The jurisdiction of the Court under Section 397 can be exercised so as to examine the correctness, legality or propriety of an order passed by the trial court or the inferior court, as the case may be. Though the section does not specifically use the expression 'prevent abuse of process of any court or otherwise to secure the ends of justice', the jurisdiction under Section 397 is a very limited one. The legality, propriety or correctness of an order passed by a court is the very foundation of exercise of jurisdiction under Section 397 but ultimately it also requires justice to be done. The jurisdiction could be exercised where there is palpable error, non-compliance with the provisions of law, the decision is completely erroneous or where the judicial discretion is exercised arbitrarily....."

07. It is not in dispute that the applicant has been put to trial for the offences as mentioned herein-above which has been committed during the



year 2017-2019 by conspiring with the other co-accused persons and misused his official capacity. Since investigation has been kept open against other co-accused persons under Section 173(8) of Code of Criminal Procedure, 1973, therefore, the charges have been framed against the applicant on 04.08.2021 and thereafter the case has been proceeded for recording the prosecution evidence. In the criminal case against the applicant, as many as 10 prosecution witnesses have been examined. At this stage, there is no propriety in adjourning the case against the applicant that too on flimsy grounds which have no legal bearing on the prosecution case.

08. Hence, in the considered opinion of this Court, the trial Court has not committed any error in dismissing the application. The order passed by the Court below does not suffer from any illegality. The application filed on behalf of the applicant is misconceived. No interference in the impugned order is made out. *Ex-consequencia*, the revision fails and is hereby dismissed.

(VIVEK RUSIA)
JUDGE

(BINOD KUMAR DWIVEDI)
JUDGE

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