



**IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR
BEFORE
HON'BLE SHRI JUSTICE DEVNARAYAN MISHRA
ON THE 4th OF AUGUST, 2025
CRIMINAL REVISION No. 126 of 2022
ROHIT CHATURVEDI AND OTHERS
Versus
THE STATE OF MADHYA PRADESH AND OTHERS**

Appearance:

Shri Narendra Kumar Sharma – Advocate for the applicants.

*Shri Chandrakant Mishra –Government Advocate for the respondent
No.1/State.*

Shri Vikash Kumar Santu – Advocate for the respondent No.2.

Reserved on : 18.06.2025

Pronounced on : 04.08.2025

ORDER

This Criminal Revision under Section 397 read with Section 401 of the Code of Criminal Procedure has been preferred being aggrieved with the order dated 08.12.2021 passed by IVth Additional Sessions Judge, Jabalpur (M.P.) in Session Trial No.627/2021 whereby charges have been framed against the applicant No.1/Rohit Chaturvedi for the offence punishable under Sections 294, 379, 384, 477 of the Indian Penal Code and against the applicant No.2/Sheetal Singh Chouhan for the offence punishable under Section 341 of the Indian Penal Code.

2. In nutshell, the complaint before the trial Court was that on 01.04.2011, the complainant Smt. Saroj Vishwakarma was traveling in



Amarkantak Express from Bilaspur to Madan Mahal Railway Station, Jabalpur in ladies Coach and when she reached at Jabalpur Railway Station, Head Constable Sheetal Singh Chouhan and other staff stopped the complainant and said to her that she was travelling in a Coach reserved for disabled persons and the said Head Constable also asked the complainant to pay the penalty for that and they took the complainant to R.P.F. Post where the applicant No.1/Rohit Chaturvedi took Rs.5,000/- from the bag of the complainant, torn the railway ticket of the complainant and also abused the complainant. The applicant was also abusing the advocates of Jabalpur. When she was coming out from the Post, the applicant No.2/Sheetal Singh Chouhan pushed the complainant and abused her. On that basis, a case was registered in G.R.P. Police Station, Jabalpur for the offence punishable under Section 384, 341, 506 and 294 of the Indian Penal Code against the applicants as a Crime No.46/2011.

3. Learned counsel for the applicants has submitted that after filing of the charge-sheet, learned Judicial Magistrate framed charges under Sections 294, 379, 384 of the IPC against the applicant No.1/Rohit Chaturvedi and under Section 341 against the applicant No.2/Sheetal Singh Chouhan without there being a proper evidence on record. On commitment under Section 323 of Cr.P.C., the trial Court framed the charges.

4. Learned counsel for the applicants has further submitted that the applicants are public servant and the alleged offence has been committed during working hours of the applicants and, therefore,



compliance of Section 195(197) of Cr.P.C. was mandatory and no such permission was taken.

5. The case is false only because of the fact that offences have been registered against the Advocates, Saurabh Sharma and Vineet Dubey by Constable Ram Bahadur Singh as Crime No.55/2011 and 1730/2011 for driving the Aactiva vehicle on Madan Mahal Railway Station Platform and the advocates threatened the constable to be prepared for dire consequences.

6. The complainant Saroj Vishwakarma is working as a Teacher in the School namely Indira High School, Madhotal, Jabalpur and the owner of the said school is Shri Saurabh Sharma and the complainant-Saroj Vishwakarma is the employee of Advocate Shri Saurabh Sharma and she is also residing in the house of Shri Saurabh Sharma. The complainant has stated in the FIR that from 30.03.2011 till 01.04.2011, she was at Bilaspur and on 01.04.2011, she returned back to Jabalpur but as per the attendance register of the school, in which she was employed, received through R.T.I. shows that on 30.03.2011 and 31.03.2011, she marked her presence in the school and she has signed in the school register. School Register is Annexure-A/2.

7. The trial Court has framed charges under Section 477 of the Indian Penal Code but no case is made out as the general ticket was not a valuable security. The Investigating Agency itself has stated in the charge sheet that independent witnesses are not available and charge sheet was filed on the direction of the higher authorities and directed for prosecution. Hence, it is submitted that the applicants be discharged from the said offences.



8. Learned counsel for the applicants has further submitted that the trial Court had not considered the principle laid down in the case of **Montek Singh vs. State of West Bengal and another, 2002 SCC Online Cal 603**. As per the protection available to the applicants under Section 20 Sub-Section 3 of the Railway Protection Force Act, 1957 and under Section 197 of the Code of Criminal Procedure. From the FIR itself it is clear that the applicants were on duty at that time when the act was done during discharging of their official duties. The same principle has laid down in the case **H.V. Nagaraju and Others vs. State of Karnataka, 2022 SCC Online Kar 974** particularly in Para-6, in which it has been clearly stated that the protection of Section 197 of Cr.P.C. is available to public servant to prosecute for any offence committed during the duty hours.

9. Learned counsel for the applicant relying on the judgment of **Madhu Limaye vs. The State of Maharashtra, (1977) 4 SCC 551** and **Sanjay Kumar Rai Vs. State of U.P. and Anr., (2022) 15 SCC 720** has submitted that the power vested under Section 397 of Cr.P.C. are not less than the power under Section 482 of Cr.P.C. while framing the charges, the Court has not to act as mere post office. The Court has to consider broad probabilities, total effect of the evidence and the documents produced and the basic infirmities appearing in the case.

10. Learned counsel for the applicant has also relied on the judgment in the case of **Suresh Kumar Bhikamchand Jain vs. Pandey Ajay Bhushan and others, (1998) I SCC 205**, **Matajog Dobey vs. H.C. Bhari, 1955 Online SC 44**, **Satyavir Singh Rathi, ACP v. State, (2011) 6 SCC 1**, **State of H.P. v. M.P. Gupta, (2004) 2 SCC 349**, **P.K.**



Pradhan v. State of Sikkim, (2001) 6 SCC 704, B. Saha v. M.S. Kochar, (1979) 4 SCC 177, State of Orissa v. Ganesh Chandra Jew, (2004) 8 SCC 40, Devinder Singh and Others v. State of Punja, (2016) 12 SCC 87, B.K. Parchure v. State and Another, 2022 SCC Online Del 2492 and State of Madhya Pradesh v. Sheetla Sahai and Others, (2009) 8 SCC 617 and submitted that applicant be discharged basically on the ground that the charges were framed by the trial Court are not made out. Secondly, it is clear from the fact of the case that police report is total false and fabricated to take revenge by the Advocate Shri Saurabh Sharma due to previous dispute. Thirdly, protections of Section 197 of Cr.P.C. and Section 20(3) of R.P.F. Act is available but the trial Court has not considered this aspect.

11. On the other hand, learned Government Advocate has opposed the submissions advanced by learned counsel for the applicants and submitted that this revision petition deserves to be dismissed.

12. I have gone through the order sheets produced by the revisionists. As per that, the case was committed by the Special Railway Magistrate, Jabalpur to the Sessions Judge, Jabalpur for the offence punishable under Sections 294, 379, 384, 341 and 477 of the Indian Penal Code and on 17.11.2021, the case was transferred to the trial Court and the trial Court initiated the proceeding on 18.11.2021. During this period, no application was filed for discharge. On 08.12.2021, the arguments were raised regarding dispute between Head Constable Ram Bahadur Singh and Saurabh Sharma and Vineet Dubey at Madan Mahal Railway Station. It was also argued that the complainant Saroj Vishwakarma was the employee of the school run by Shri Saurabh Sharma and on the date



of 30.03.2011 and 31.03.2011 she was present in the school and not travelling from Bilaspur to Jabalpur. After that, the trial Court has framed the charges and the case was fixed for prosecution evidence.

13. When the cognizance was taken, the applicants have raised the point of protection of Section 197 of Cr.P.C. or of Sub-Section 3 of Section 20 of the R.P.F. Act has not been argued and whether the application was dismissed or allowed. The learned Judicial Magistrate after framing of charges conducted a trial and observing that offence punishable under Section 477 of IPC is made out and on that basis, the case was committed to the Sessions Court and the trial Court has framed the charges.

14. Thus, without challenging cognizance before the committal Court or before the trial Court at the first instance when this point has not been raised in the revision, at the argument stage, this point is not maintainable.

15. Whereas, point of conspiracy between the complainant and Shri Saurabh Sharma and other counsel is concerned, it is a pure case of evidence that can be proved after recording of evidence. Furthermore, in the same way, whether the complainant was present in Jabalpur and was in her school and not travelled from Bilaspur to Jabalpur via Amarkantak Express, at this stage, it cannot be considered as the veracity of the documents produced by the applicants have to be tested by calling the witnesses who has issued the certificate and who was maintaining the register. Thus without examining of the witnesses at this stage, it could not be said that the school register is true or false.



16. Furthermore, learned counsel for the applicants has failed to demonstrate that the prosecution agency itself has filed that documents as the part of the charge sheet and that could have been considered by the trial Court, thus, at the stage of framing of charges, the Court is not bound and shall not take into consideration, the evidence of the defence as held in the case of **State Of Orissa vs Debendra Nath Padhi, AIR, 2003 SC 1512.**

17. Learned counsel for the applicants has argued that after travel the ticket is not a valuable security but in all cases, it could not be said that after journey, the ticket lost its value and is not valuable security as it may be required to be produced as evidence of journey and to claim the travel allowance and to show that a particular person has travelled from one distance to other distance. It may be used as a document and it is not a value less document and as per State amendment of Madhya Pradesh dated 14.02.2008, offence punishable under Section 477 of IPC was made tribal by the Court of Sessions, hence looking these factors, the order of framing of charges cannot be said to be without the evidence on record.

18. Hence, the applicants are not entitled to the benefit of principles laid down in the judgments of **Montek Singh** (supra), **H.V. Nagaraj** (supra), **Sanjay Kumar Rai** (supra), **Pukhraj** (supra), **Suresh Kumar Bhikamchand** (supra), **Madhu Limaye** (supra), **Matajog Dobey** (supra), **Satyavir Singh Rathi** (supra), **M.P. Gupta** (supra), **P.K. Pradhan** (supra), **B. Saha and other**(supra), **Ganesh Chandra Jew** (supra) and **Devinder Singh** (supra), in which it has been clearly held that the government servant/ person of the railway protection force is



entitled the protection of Section 197 of Cr.P.C. and Section 20(3) of the Railway Protection Act while any act is done during his official duties and without sanction of the competent authority, no prosecution could be launched and the principle that if the act of complainant during his official duties is excess but only on the basis that government servant has trace passed jurisdiction while performing his duty as a government servant.

19. In the same way, that legal point that has not been raised before the Sessions Court while charges were being framed i.e. the first time, they could not agitate the cognizance and at this stage without any evidence, the Court could not express whether the allegations are true or false and whether statements of complainant are trustworthy or not and to prove the fact, is the duty of the prosecution. Only on the basis that evidence is weak or it is probable that the applicants have not committed any offence, without trial, the applicants could not be discharged.

20. Hence, this Court in exercise the powers of revision where the matter has to be considered on merit, it could not be concluded that no offence is made out. Hence, revision sans merit and is **dismissed**.

21. Looking to the fact that the case is pending since 2011, the trial Court is requested to conclude the trial within 9 months from receipt of order of this Court.

22. Let the record of the Court below be returned back.

(DEVNARAYAN MISHRA)
JUDGE