

(2011) 09 JH CK 0057

Jharkhand High Court

Case No: Criminal revision No. 499 of 2008

Rabindra Marandai

APPELLANT

Vs

The State of Jharkhand and
another

RESPONDENT

Date of Decision: Sept. 9, 2011

Acts Referred:

- Criminal Procedure Code, 1973 (CrPC) - Section 319

Hon'ble Judges: Harish Chandra Mishra, J

Bench: Single Bench

Final Decision: Dismissed

Judgement

H.C. Mishra

1. By Court: Heard Learned Counsel for the petitioner and Learned Counsel for the opposite parties.
2. By the impugned order dated 21.6.2008, the court below has directed to issue summons to the petitioner to face the trial along with the other accused persons, by exercising the power u/s 319 Cr.P.C., stating that during evidence, some witnesses have taken the name of this petitioner. The court below, has detailed in the impugned order the averments of P.W. 2 Anant Lal Hembrom, P.W. 9 Haridas Besra, P.W. 10 Manoti Hansda, P.W. 11 Darshan Hembrom and P.W. 12 Sitaram Soren to show that these witnesses have taken the name of this petitioner to be involved in commission of the crime.
3. Learned Counsel for the petitioner has submitted that the impugned order passed by the court below is absolutely illegal, inasmuch as, after investigation, charge sheet was not filed against the petitioner. Subsequently, the witnesses, who had not taken the name of this petitioner during investigation, have also taken his name during evidence in the Court. Accordingly, submitting that the petitioner has been falsely implicated in the case and that continuance of trial against the

petitioner shall amount to the abuse of the process of Court, the Learned Counsel has prayed that the impugned order be set aside.

4. Learned A.P.P. for the State has opposed the prayer of the petitioner submitting that when witnesses have taken the name of this petitioner in their deposition, to be involved in the crime, there is no illegality in the impugned order by adding the petitioner as an accused in the case and summoning him for facing the trial.

5. It is well settled that Sec. 319 of the Cr. P. C. empowers the Court to proceed against any such person, not being an accused, against whom it appears from the evidence in course of any enquiry, or trial, that he had committed any offence, for which he could be tried together with the accused.

6. The court below has clearly mentioned in the impugned order the evidence brought on record against the petitioner in the deposition of the witnesses.

7. In the aforesaid facts and circumstances of this case, I do not find any illegality and / or any irregularity in the impugned order worth interference in the revisional jurisdiction. There is no merit in this application.

Accordingly, this criminal revision is, hereby, dismissed.