IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

BEFORE
HON'BLE SHRI JUSTICE DWARKA DHISH BANSAL

CRIMINAL REVISION NO.1130 of 2026

SANJAY JATAV

Versus

THE STATE OF MADHYA PRADESH THROUGH THE POLICE STATION BERASIYA AND ANOTHER

.....

Appearance:

Shri Surdeep Khampariya, Advocate for petitioner.

Shri Ritesh Sharma, Panel Lawyer for respondent-State.

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Reserved on : 01.04.2026
Delivered on : 06.04.2026

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ORDER

This criminal revision under Section 438/442 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (in short 'the BNSS') has been preferred by the petitioner/accused challenging the order dtd.28.01.2026 passed by the Additional Sessions Judge, Berasia, District Bhopal in Case No. S.T.37/2025, whereby charges under Section 351(3) and 351(1) of the Bharatiya Nyaya

Sanhita, 2023 (in short 'the BNS') have been framed against the petitioner.

2. With a view to understand the prosecution case and to see the method and manner, in which the court below has exercised its jurisdiction, entire impugned order dtd.28.01.2026, is quoted as under:

> "राज्य द्वारा अपर लोक अभियोजक ।
>
> आरोपी मनोज एवं संजय सहित श्री मलखान अधिवक्ता ।
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> प्रकरण आज आरोपी संजय की ओर से प्रस्तुत आवेदन अंतर्गत धारा 250 भारतीय नागरिक सुरक्षा संहिता पर आदेश हेतु नियत है।
>
> उक्त आवेदन पर उभयपक्षों के तर्क श्रवण किये गये।
>
> आरोपी संजय का संक्षेप में उक्त आवेदन यह है कि प्रकरण में फरियादी द्वारा आरोपी संजय पर झूठा प्रकरण बनाकर जो आरोप लगाये गये है वह निराधार है। संजय जाटव और मनोज रैकवार का प्रकरण में कृत्य कहीं भी किसी भी प्रकार से समान न होकर असमान है तथा पूरे प्रकरण में संजय जाटव द्वारा मनोज रैकवार का कहीं किसी प्रकार से कोई साथ नहीं दिया गया है। संजय जाटव को केवल मनोज का दोस्त होना बताया गया है।
>
> इसके अतिरिक्त किसी भी प्रकार से संजय जाटव द्वारा ऐसा कोई कृत्य नहीं किया गया है जिससे उसे प्रकरण में सह आरोपी बनाया जायें।

अपने आवेदन में यह भी व्यक्त किया है कि दोनों आरोपी पर अलग अलग प्रकरण बनता है परन्तु फरियादी द्वारा पुलिस के साथ मिलकर दोनों अभियुक्तों को एक ही प्रकरण में समान रूप से फंसाया गया है जो कि निराधार है। उक्त आधारों पर संजय जाटव का आवेदन स्वीकार कर उसे उन्मोचित कर दोषमुक्त किये जाने की प्रार्थना की गयी है।

राज्य की ओर से अपर लोक अभियोजक के द्वारा अपने लिखित जबाव में आवेदन के तथ्यों को अस्वीकार करते हुये यह व्यक्त किया है कि आरोपी मनोज एवं संजय दोनों प्रकरण में आरोपी है। आरोपी मनोज द्वारा पीडिता के साथ शादी का झांसा देकर बार बार बलात्संग किया तथा सह आरोपी संजय जाटव सम्पूर्ण अपराध में सहभागी रहा है इसीलिये आरोपी एवं पीडिता के बीच की सम्पूर्ण बातों की जानकारी है तथा आरोपी संजय जाटव ने पीडिता को धमकाया है कि यदि उसने उसके साथ संबंध नहीं बनाये तो सभी गोपनीय बातें उसके घर वालों को बता देगा। उक्त आधार पर आवेदन निरस्त किये जाने की प्रार्थना की गयी है।

प्रकरण का अवलोकन किया गया।

अभियोजन कहानी के अनुसार दिनांक 04.07.2025 को अभियोक्त्री के द्वारा इस आशय की रिपोर्ट लेख कराई गयी है कि वह अभियुक्त को बचपन से जानती है और वह और मनोज करीब एक साल से एक दूसरे को पसंद करते थे और बात करते थे, शादी करना चाहते थे। अभियुक्त मनोज छुपकर अभियोक्त्री से रात में मिलने आता था और एक बार अभियोक्त्री के साथ बलात्कार किया और अभियुक्त मनोज उसे विदिशा घुमाने ले जाता था वहां होटेल में लेजाकर कहता था कि वह दोनों शादी कर लेंगे और शादी का झांसा देकर अभियोक्त्री के साथ गलत काम करता था। आखिरी बार फरियादी / अभियोक्त्री और मनोज के बीच विदिशा होटल में शारीरिक संबंध बने थे, उसके बाद, मनोज ने दिनांक 27.06.2025 को दोपहर 01:30 बजे सेमरा रोड शमशाबाद चौराहे पर मिलने बुलाया और कहने लगा कि उसकी सगाई कहीं

और हो गयी है और वह उससे शादी नहीं कर सकता है और वहां से चला गया इसीलिये उसी दिन अभियोक्त्री ने चूहा मार दवाई पी ली तो उसके घर वाले उसे बैरसिया जनरल अस्पताल लेकर आये जहां उसके बयान हुये थे लेकिन डर के कारण अस्पताल में बयान में कुछ नहीं बताया था क्योंकि मनोज के पास उसके अश्लील फोटों है जिसे वायरल करने की धमकी देता था, मनोज का दोस्त संजय जाटव भी उसे धमकी देता था कि वह उससे बात करें और वह नहीं करेगी तो उसके और मनोज के बारें में उसके घर बता देगा और रिश्तेदारों में बदनाम कर देगा। अभियोक्त्री की उक्त रिपोर्ट पर से अभियुक्तगण के विरूद्ध अपराध कमांक 345/2025 अंतर्गत धारा 69, 351(3), 3(5) बीएनएसएस का पंजीबद्ध किया गया।

प्रकरण अवलोकन से यह स्पष्ट है कि आरोपी तर्क प्रकम पर कि उक्त आवेदन आरोपी संजय की ओर से अंतर्गत धारा 250 बीएनएसएस के तहत प्रस्तुत किया गया है। उक्त धारा के परिप्रेक्ष्य में न्यायालय का यह कर्तव्य है कि वह आरोप की विरचना के समय अभियोग पत्र की समस्त सामग्री पर विचार कर यह तय करना होता है कि क्या न्यायालय के समक्ष पेश सामग्री आरोप के लिये युक्तियुक्त आधार देती है या नही। यहां युक्तियुक्त आधार से तात्पर्य दोषसिद्धि के आधार से नहीं है बल्कि इसका तात्पर्य अभियुक्त के विचारण के लिये पर्याप्त आधार से है और न्यायालय को केवल इतना विचार करना है कि अभिलेख की सम्पूर्ण सक्ष्यिक सामग्री सामान्यतः स्वीकार कर ली जावे तो क्या अभियुक्त को अपराध से युक्तियुक्त रूप से जोडा जा सकता है तथा आरोपी लगने की स्टेज पर न्यायालय को साक्ष्य की बारीकी से समीक्षा करना अपेक्षित नहीं है। इसी स्तर पर यह सुसंगत है कि अभियुक्त के विरूद्ध कार्यवाही करने के लिये पर्याप्त आधार है न कि उसे दोषसिद्ध करने के लिये पर्याप्त साक्ष्य है। प्रकरण के अवलोकन से यह स्पष्ट है कि आरोपी संजय के द्वारा फरियादिया को उससे बात करने के लिये धमकी देना तथा बात न करने पर उसके व मनोज के बारें में घर वालों को बता देने तथा रिश्तेदारों में बदनामी कर देने की धमकी देना **तथा जान से मारने की धमकी देना आक्षेपित है** ऐसी स्थिति में आरोपी संजय के विरूद्ध धारा 351(1) एवं धारा 351(3) बीएनएसएस के तहत कार्यवाही किये जाने हेतु पर्याप्त आधार

प्रथम दृष्टया परिलक्षित हो रहे है ऐसी स्थिति में इस प्रक्रम पर प्रस्तुत आवेदन विधि संगत न होने से आरोपी संजय के द्वारा प्रस्तुत आवेदन अंतर्गत धारा 250 बीएनएसएस सव्यय निरस्त किया जाता है।

प्रकरण आरोप तर्क हेतु थोडी देर बाद पेश हो।

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पुनश्च,

राज्य की ओर से अपर लोक अभियोजक उपस्थित ।

आरोपीगण सहित श्री योगेश शर्मा अधिवक्ता उपस्थित ।

प्रकरण आरोप तर्क हेतु नियत है।

प्रकरण में आरोप तर्क सुने गये। अभिलेख का अवलोकन किया गया।

राज्य की ओर से अभियोग पत्र में प्रस्तावित अनुसार आरोप निर्मित करने का निवेदन किया गया है

प्रकरण का अवलोकन किया गया।

प्रकरण के साथ संलग्न दस्तावेजों के अवलोकन से आरोपी संजय जाटव के विरूद्ध धारा 351(3) एवं 351(1) बी एन एस अभियुक्त मनोज के विरूद्ध धारा 69, 351(3) बी एन एस के अंतर्गत आरोप विरचित किए जाने के आधार विद्यमान है।

अतः आरोप विरचित किए जाकर आरोप पत्र की विशिष्टयां आरोपीगण को पढकर सुनाये व समझाये गये तो आरोपीगण ने अपराध करना अस्वीकार किया। आरोपीगण के अभिवाक अंकित किये गये।

आरोपीगण की ओर से अभियोजन की ओर से प्रस्तुत दस्तावेजों की सत्यता से इंकार किया ।

प्रकरण विचारण प्रोग्राम प्रस्तुति दिनांक 06.02.2026 बाद पेश हो।"

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3. Learned counsel for the petitioner taking this Court to the impugned order dtd.28.01.2026 submits that even on the basis of material available on record i.e. FIR and statement of victim, no prima facie case for framing charge under Section 351(3) of the BNS is made out against the petitioner and the Court below has wrongly framed the charges for the offences under Section 351(3) and 351(1) of the BNS. He also submits that even in absence of allegations in the FIR as well as in the statement of victim to the effect that the petitioner threatened the victim to cause her death, Court below has framed the charge under Section 351(3) BNS after dismissal of the application filed under Section 250 BNSS. He also submits that in the impugned

order also nothing has been mentioned as to what material is available against the petitioner for framing the charge under the aforesaid section. On inter alia submissions he prays for setting aside the impugned order and for his discharge.

4. Learned counsel appearing for the respondent/State supports the impugned order and prays for dismissal of the criminal revision.

5. Heard learned counsel for the parties and perused the impugned order as well as available documents.

6. Even though the case diary is not available, but from the challan documents made available by counsel for the petitioner and ***from prosecution story as narrated by the Court itself in the impugned order***, it is clear that that no allegation is there in the FIR about threatening allegedly given by the petitioner to the victim to cause her death.

7. However, the impugned order is silent as to the document

on the basis of which the court has inferred the aforesaid allegation of threatening, which is creating doubt about veracity of the charge framed by the Court for the offence under Section 351(3) of the BNS, which can be removed by the Court below itself.

8. In view of the aforesaid, the impugned order which is non-speaking also, becomes unsustainable.

9. It is pertinent to mention here that by filing an application under Section 250 of the BNSS, the petitioner specifically mentioned that even prima facie, no case is made out against the petitioner for framing charges under the aforesaid sections. The application has been dismissed by the impugned order with the observations that there are sufficient grounds for framing charges against the petitioner for the offences under Section 351(1) and 351(3) of the BNS, however that ground/material has not been disclosed/mentioned in the impugned order.

10. With a view to understand the ingredients of Sections 250 of the BNSS **(**S. 227 in CrPC**)** and 251 of the BNSS (S. 228 in CrPC), the same are reproduced as under:

S. 227 and 228 of the Cr.P.C., 1973:

> **"227. Discharge.—** If, upon consideration of the record of the case and the documents submitted therewith, and after hearing the submissions of the accused and the prosecution in this behalf, the Judge considers that there is not sufficient ground for proceeding against the accused, he shall discharge the accused and record his reasons for so doing.
>
> **228. Framing of charge.— (**1) If, after such consideration and hearing as aforesaid, the Judge is of opinion that there is ground for presuming that the accused has committed an offence which—
>
> (a) is not exclusively triable by the Court of Session, he may, frame a charge against the accused and, by order, transfer the case for trial to the Chief Judicial Magistrate, [or any other Judicial Magistrate of the first class and direct the accused to appear before the Chief Judicial Magistrate, or, as the case may be, the Judicial Magistrate of the first class, on such date as he deems fit, and thereupon such Magistrate] shall try the offence in accordance with the procedure for the trial of warrant-cases instituted on a police report;
>
> (b) is exclusively triable by the Court, he shall frame in writing a charge against the accused.
>
> (2) Where the Judge frames any charge under clause (b) of sub-section (1), the charge shall be read and explained to the accused and the accused shall be asked whether he pleads guilty of the offence charged or claims to be tried."

S. 250 and 251 of the BNSS, 2023:

> **"250. Discharge.**— (1) The accused may prefer an application for discharge within a period of sixty days from the date of commitment of the case under section 232.

> (2) If, upon consideration of the record of the case and the documents submitted therewith, and after hearing the submissions of the accused and the prosecution in this behalf, the Judge considers that there is not sufficient ground for proceeding against the accused, he shall discharge the accused and record his reasons for so doing.
>
> **251. Framing of charge.**— (1) If, after such consideration and hearing as aforesaid, the Judge is of opinion that there is ground for presuming that the accused has committed an offence which-
>
> > (a) is not exclusively triable by the Court of Session, he may, frame a charge against the accused and, by order, transfer the case for trial to the Chief Judicial Magistrate, or any other Judicial Magistrate of the first class and direct the accused to appear before the Chief Judicial Magistrate or the Judicial Magistrate of the first class, on such date as he deems fit, and thereupon such Magistrate shall try the offence in accordance with the procedure for the trial of warrant-cases instituted on a police report;
> >
> > (b) is exclusively triable by the Court, he shall frame in writing a charge against the accused within a period of sixty days from the date of first hearing on charge.
>
> (2) Where the Judge frames any charge under clause (b) of sub-section (1), the charge shall be read and explained to the accused present either physically or through audio-video electronic means and the accused shall be asked whether he pleads guilty of the offence charged or claims to be tried."

11. Reading of the aforesaid sections, makes it clear that there is no substantial difference in the old and new sections.

12. The Hon'ble Supreme court in the case of Century Spinning and Manufacturing Co. Ltd & Ors. vs. The State of Maharashtra, **(1972) 3 SCC 282,** observed as under:

> "17. Coming now to the facts of this case, in our view, the question principally depends on the scope and effect of the notification, dated

> September 22, 1949, the circular, dated November 2, 1964 and the Deviation Order, dated June 25, 1965. If, on this material, the Court comes to the conclusion that there is no ground for presuming that the accused has committed an offence, then it can appropriately consider the charge to be groundless and discharge the accused. The argument that the Court at the stage of framing the charges has not to apply its judicial mind for considering whether or not there is a ground for presuming the commission of the offence by the accused is not supportable either on the plain language of the section or on its judicial interpretation or on any other recognised principle of law. **The order framing the charges does substantially affect the person's liberty and it is not possible to countenance the view that the Court must automatically frame the charge merely because the prosecuting authorities, by relying on the documents referred to in Section 173, consider it proper to institute the case. The responsibility of framing the charges is that of the Court and it has to judicially consider the question of doing so. Without fully adverting to the material on the record it must not blindly adopt the decision of the prosecution."**

13. The Hon'ble Supreme court in the case of Dilawar Balu Kurane vs State of Maharashtra, **(2002) 2 SCC 135,** held as under:

> "12. Now the next question is whether a prima facie case has been made out against the appellant. In exercising powers under Section 227 of the Code of Criminal Procedure, **the settled position of law is that the Judge while considering the question of framing the charges under the said section 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; 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**; by and large 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 justified to discharge the accused, and in exercising

> jurisdiction under Section 227 of the Code of Criminal Procedure, **the Judge 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 but should not make a roving enquiry into the pros and cons of the matter and weigh the evidence as if he was conducting a trial [see Union of India versus Prafulla Kumar Samal & Another (1979) 3 SCC 4]."

14. Again a three Judge bench of Hon'ble Apex Court, in the case of Ghulam Hassan Beigh vs. Mohammad Maqbool Magrey and others, **(2022) 12 SCC 657**, while considering the provisions relating to framing of charge, observed as under:

> **"23**. In Sajjan Kumar vs. CBI, (2010) 9 SCC 368 : (2010) 3 SCC (Cri) 1371, this Court had an occasion to consider the scope of Sections 227 and 228 Cr.P.C. The principles which emerged therefrom have been taken note of in Para 21 as under: (SCC pp. 376-377)
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> "21. On consideration of the authorities about the scope of Sections 227 and 228 of the Code, the following principles emerge:
> (i) The Judge while considering the question of framing the charges under Section 227 Cr.P.C. 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. The test to determine prima facie case would depend upon the facts of each case.
> (ii) 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.
> (iii) The 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, etc. However, at this stage, there cannot be a roving enquiry into the pros and cons of the matter and weigh the evidence as if he was conducting a trial.
> (iv) If on the basis of the material on record, the court could form an opinion that the accused might have committed offence, it can frame

the charge, though for conviction the conclusion is required to be proved beyond reasonable doubt that the accused has committed the offence.
(v) At the time of framing of the charges, the probative value of the material on record cannot be gone into but before framing a charge the court must apply its judicial mind on the material placed on record and must be satisfied that the commission of offence by the accused was possible.

(vi) At the stage of Sections 227 and 228, the court is required to evaluate the material and documents on record with a view to find out if the facts emerging therefrom taken at their face value disclose the existence of all the ingredients constituting the alleged offence. For this limited purpose, sift the evidence as it cannot be expected even at that initial stage to accept all that the prosecution states as gospel truth even if it is opposed to common sense or the broad probabilities of the case.

(vii) If two views are possible and one of them gives rise to suspicion only, as distinguished from grave suspicion, the trial Judge will be empowered to discharge the accused and at this stage, he is not to see whether the trial will end in conviction or acquittal."

24. to 26. *****

27.**Thus from the aforesaid, it is evident that the trial court is enjoined with the duty to apply its mind at the time of framing of charge and should not act as a mere post office. The endorsement on the charge sheet presented by the police as it is without applying its mind and without recording brief reasons in support of its opinion is not countenanced by law**. However, the material which is required to be evaluated by the Court at the time of framing charge should be the material which is produced and relied upon by the prosecution. The sifting of such material is not to be so meticulous as would render the exercise a mini trial to find out the guilt or otherwise of the accused. All that is required at this stage is that the Court must be satisfied that the evidence collected by the prosecution is sufficient to presume that the accused has committed an offence. Even a strong suspicion would suffice. Undoubtedly, apart from the material that is placed before the Court by the prosecution in the shape of final report in terms of Section 173 of Cr.P.C. the Court may also rely upon any other evidence or material which is of sterling quality and has direct bearing on the charge laid before it by the prosecution. [See: Bhawna

Bai vs. Ghanshyam, (2020) 2 SCC 217]."

15. A Coordinate bench of this court also, in the case of Rajneesh Kumar Soni vs. State of M.P**., 2019 CrLJ 3515**, held as under:

> "10. **It appears from the record that learned Special Judge without considering the documents and evidence produced by the Police along with the closure report and the points as raised by the learned counsel of the appellants before this Court, framed charges against the applicant**. So without going into the merits of the case the revision is allowed and the impugned order dated 03/09/2013 passed by Special Judge, SC/ST (Prevention of Atrocities) Act, Satna, District Satana in Special Case No. 61/2012, whereby learned Special Judge framed charge against applicant/accused Rajnish Kumar Soni alias Mantu for the offences punishable under Sections 374, 294, 506 (Part II) of the IPC and Section 3(1)(vi) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 is set aside and **learned trial court is directed to again pass a reasoned order regarding framing of charges against applicant, after considering the entire record and after hearing both the parties."**

16. Another coordinate bench of this court in the case of Vinod Bohare vs State of M.P., **(2015) 2 MPLJ (Cri) 358=2015 SCC OnLine MP 3803**, also held as under:

> "10. It is pertinent to mention here that on the same facts of the case, charges under Sections 420 and 406 of IPC were framed by the trial Court vide order dated 5.3.2009 which was challenged in Criminal Revision No. 227/09 and by order dated 17.3.2010 **this Court by allowing the criminal revision and setting aside the impugned order directed the learned Court below to pass a reasoned order and thereafter frame the charge, if required. But in spite of the direction of the Court, no reasoned order was passed by the trial Court and again charges under sections 420 and 406 of IPC were framed against the petitioner.** That order was again challenged in Criminal Revision No.882/11 and by order dated 17.11.11 by allowing the criminal revision and setting aside the impugned order dated 12.9.11, this Court again directed to comply with order dated 17.3.2010 passed in Criminal Revision No.227/09.

> 11. **By the impugned order dated 02.02.2012, although, an elaborate order has been passed framing charge under Section 406 of IPC, but learned trial Court did not consider the ingredients of sections 405 and 406 of IPC**."

17. A coordinate bench of Rajasthan High court in the case of Kamla Shankar Nagda vs State Of Rajasthan, Through Pp, **2026 Supreme (Raj) 159=2026:RJ-JD:7893,** held as under:

> "25. It is no doubt correct that at the stage of framing of charge, the Court is not expected to write a detailed or elaborate order as would be warranted at the stage of discharge or final adjudication. The Hon'ble Supreme Court in Kanti Bhadra Shah & Anr. v. State of West Bengal (2000) 1 SCC 722 has clarified that framing of charge does not require a reasoned order akin to a judgment. However, the said principle cannot be misconstrued to legitimise a mechanical or non-speaking exercise, devoid of even minimal articulation of judicial satisfaction. Brevity is permissible; opacity is not.
>
> 26. The distinction between a brief order and a mechanical order is well recognised in criminal jurisprudence. Even while framing charges, the Court must indicate, albeit succinctly, that it has adverted to the material on record and that such material, if taken at face value, discloses the existence of the essential ingredients of the offence alleged for which charges has to be framed. A mere reproduction of statutory sections or a bare assertion that an offence is "prima facie made out" does not fulfil this requirement.
>
> 27. This requirement assumes greater significance in prosecutions under the Prevention of Corruption Act post the 2018 amendment. The legislative transformation of Section 7 has introduced the element of "improper or dishonest performance of public duty" as a sine qua non. Therefore, even at the threshold stage, the Court is expected to advert, howsoever briefly to the existence of material indicating demand or acceptance of undue advantage in connection with such improper or dishonest performance. In the absence of even a skeletal reference to such material, the order betrays a presumption rather than a judicial satisfaction.
>
> 28. The Hon'ble Supreme Court in Union of India v. Prafulla Kumar Samal & Anr., AIR 1979 SC 366, has categorically held that the Judge cannot act merely as a post office or a mouthpiece of the prosecution. The Court must consider the broad probabilities of the case, the total

effect of the evidence and documents produced, and any basic infirmities apparent on the face of the record. The impugned order, however, reflects no such exercise and instead appears to have proceeded on the erroneous assumption that the filing of a charge-sheet ipso facto warrants framing of charge.

29. Further, the expression "arguments on charge heard" recorded in the order sheet, without even a fleeting reference to the nature of such arguments or the reasons for their rejection, renders the exercise under Sections 250 and 251 of the BNSS illusory. Such recording, unaccompanied by any demonstrable consideration, amounts to an empty formality, which has been consistently deprecated by constitutional courts. The Hon'ble Supreme Court in Kranti Associates Pvt. Ltd. v. Masood Ahmed Khan (2010) 9 SCC 496 has held that "rubber-stamp reasons" or pretence of reasoning cannot be equated with a valid judicial decision-making process.

30. This Court, in H.G. Grover v. State of Rajasthan (S.B. Criminal Revision Petition No. 1356/2022), has reiterated that although meticulous appreciation of evidence is not required at the stage of framing of charge, the Trial Court must nonetheless satisfy itself that the material on record discloses the essential ingredients of the offence and must reflect such satisfaction in the order. The absence of such reflection renders the order vulnerable to judicial correction."

18. Another coordinate bench of Rajasthan High Court also, in the case of Pawan Kumar vs. State of Rajasthan, **2025 Supreme (Online) (RAJ) 1907= 2026:RJ-JP:3049,** held as under:

"10. On joint reading the Sections 249 and 251 of the B.N.S.S., this Court is of the firm opinion that the le**arned trial Court is supposed to make due and thoughtful consideration to the submissions made by the learned Public Prosecutor as well as the counsel appearing for the accused and form its opinion as regards the framing of charge and such opinion should also have been discussed in the order passed by the learned trial Judge for framing of charge,** along with the considerations made, so as to form such opinion.

11. In the present case, this Court finds that the trial Judge has framed the charge for offence under Section 306 IPC against the petitioner without thoughtful c**onsideration to the submissions made by both the parties and without disclosing its opinion that what was that material which prima facie made out the offence against the**

> **accused-petitioner. Trial Judge is supposed to pass a reasoned order."**

19. A coordinate bench of Delhi High court in the case of Ashok Bhadauria vs. State, **2016 Supreme (Del) 4389= CRL.REV.P. 274/2007 (Order dated 15.12.2016)**, held as under:

> "12. It is a settled law that the Court at the time of framing the charge is required to discuss the material on the record to show its application of mind to reach to the conclusion of sufficiency of material to frame the charge. **The Court may not write the lengthy order describing the entire material mentioned in the charge sheet but there must be something on the face of the order from where it could be gauged that there is application of mind but the order is contrary to the above mentioned ratio of law.**
>
> 13. This Court is of the considered opinion that the learned Trial Judge need to exercise again jurisdiction to pass the fresh reasoned order."

20. A coordinate bench of Allahabad High Court also in the case of Smt. Mewati Devi and Another vs. State of U.P. and Another, **2024 SCC OnLine All 1050=2024 Supreme (All) 572**, held as under:

> **"**18. From the aforesaid discussion, I am of the considered view the death of the deceased took place after more than seven years of her marriage with the accused Ram Suresh and the trial court has rightly dropped the charge under Section 304-B and directed for framing charge under Section 302 IPC and in the impugned, the trial court has given reasons for framing charge under Section 498-A against the accused. **Since the trial court has not prima facie considered the statement of the witnesses under Section 161 Cr.P.C. and the contents of postmortem report regarding death of the deceased and nature of injuries of the deceased given in the postmortem report, the trial court has not given sufficient reason for framing charge under Section 302 IPC.**

19. From the above discussion, this Court is of the opinion that the criminal revision should be partially allowed. The criminal revision is partially allowed and the portion of the impugned order directing the framing of charge under Section 302 IPC is set aside. **The trial court in light of the above discussion shall pass reasoned order observing that apart from Section 498-A, the charge against the accused should be framed under Section 306 IPC or 302 IPC.**

20. Since much time has passed from the date of filing of the charge-sheet, the trial shall pass an order for framing of charges within a period of two months in accordance with law from the date of the production of a certified copy of this order.**"**

21. A coordinate Bench of Patna High Court also in the case of Param Pal Singh Gandhi son of Shri Kirpal Singh Gandhi vs. The State of Bihar, **2016 SCC OnLine Pat. 10209,** held as under:

"25. In the light of what has been discussed above, when we revert to the facts of the present case, it transpires that the learned Magistrate, while assigning the reasons for framing of charges, has merely observed to the effect that the materials collected include various letters and report from one or the other authority and that these materials create a reasonable doubt against the accused- petitioner as regards his involvement in the alleged offences. It is on this basis that the impugned order, deciding to frame charges, has been passed. There is, however, not a word used by the learned Magistrate to show as to why the contentions, raised on behalf of the accused-petitioner, were not acceptable in fact or tenable in law. **The order, deciding to frame a charge, must be a speaking order and such speaking order shall not only record the submissions made by the prosecution as well as the defence, but also the reasons as to why the submissions, which may have been made by the accused or the prosecution, cannot be accepted. On this aspect, the impugned order is wholly silent.**

26. I, therefore, consciously, avoid from expressing any opinion on the correctness or veracity of the submissions made on behalf of the parties concerned either before this Court or before the learned trial Court. The learned trial Court shall, in the facts and attending circumstances of the present case (which has been investigated almost after a quarter of century), assign reasons as to why the submissions, made on behalf of the accused-petitioner, cannot be accepted at all and,

> thereafter, the learned trial Court, if it finds that there are grounds to proceed with the case, may frame charge(s). In the event charges are framed, the case shall be expeditiously dealt with in accordance with law keeping in view the fact that a delayed trial amounts to denial of fair trial."

22. Apparently, aforesaid binding settled legal position, has not been followed by the Court below while passing the impugned order.

23. However, from the aforesaid discussion/settled legal position it is evident that at the stage of framing of charge, the trial court is not required to pass a detailed or elaborate order as is expected at the stage of final adjudication. At the same time, the order cannot be passed in a mechanical manner. The court is required to apply its judicial mind to the material placed on record, including the charge-sheet and the documents produced by the prosecution, and to sift the same to a limited extent for the purpose of ascertaining whether a prima facie case is made out against the accused. The trial court is not obliged to assign detailed reasons while framing charges; however, the order must reflect that the court has formed its opinion on the basis of the material available on record. Such material, forming the basis of the satisfaction of the court, ought to be indicated in the order itself so as to demonstrate that the court has duly considered the record and has arrived at the conclusion that there are sufficient

grounds to proceed against the accused and make him stand trial.

24. It is also apt to mention here that in revisional jurisdiction, the Court is empowered to call for and examine the records of any proceeding for the limited purpose of satisfying itself as to the correctness, legality, or propriety of any finding, sentence or order, and the regularity of the proceedings of the subordinate court. However, in my considered opinion this exercise of jurisdiction necessarily implies the existence of findings recorded by the court below. Where the subordinate court has failed to record necessary findings or has omitted to apply its judicial mind upon material issues, the revisional court cannot undertake an independent appreciation of evidence or substitute its own conclusions in the absence of such findings. In such circumstances, the proper course for the revisional court is to remand the matter back to the trial court for recording findings, as in the absence of such findings the revisional court cannot effectively exercise its jurisdiction. This is because the revisional jurisdiction is supervisory in nature and is not intended to convert itself into a court of first instance.

25. In view of the aforesaid settled legal position about framing of charge and in absence of any finding indicating

recording of satisfaction/application of mind while framing the charge, this court has no option but to set aside the impugned order framing the charge and to remand the same to the court below for fresh consideration in the light of aforesaid settled legal position.

26. Resultantly, the criminal revision succeeds and is allowed and by setting aside the impugned order, matter is remanded to the Court below for passing order afresh in the light of aforesaid settled legal position, without being influenced by this order.

27. Pending application(s), if any, shall stand closed.

28. Principal Registrar (J) is directed to place copy of this order before Hon'ble the Chief Justice seeking approval for circulation among all the judicial officers through the respective Principal District and Sessions Judge of each District across the State of Madhya Pradesh to comply with the directions given in the order, so as to avoid such/same mistakes in future.

(DWARKA DHISH BANSAL)
JUDGE

KPS