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CRR-555-2026

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE GAJENDRA SINGH

CRIMINAL REVISION No. 555 of 2026*JAGRAM AND OTHERS**Versus**THE STATE OF MADHYA PRADESH*

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Appearance:

Shri Lokesh Mehta- Advocate for petitioners.

Shri Jai Gopal Chouksey- GA for the State.

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(Heard on : 20.03.2026)

(Delivered on : 29.06.2026)

ORDER

This Criminal Revision is preferred under Sections 397 and 401 of the Code of Criminal Procedure, 1973 is directed challenging the order dated 08.11.2025 passed in Sessions Trial No.37/2025 arising out of Crime No. 409/2025 registered at Police Station Sonkatch, District Dewas, whereby charges have been framed against the revision petitioners for the offences punishable under section 3 read with section 5 of the Madhya Pradesh Freedom of Religion Act, 2021 and Section 61(2) of the Bharatiya Nyaya Sanhita, 2023.

2. Facts of the case in brief are that:- a written complaint dated 20.06.2025 was lodged by one Gajraj Singh, resident of Village Chaubara Jageer, Tehsil Sonkatch, District Dewas, before the In-Charge, Police Station Sonkatch, District Dewas, that a meeting was organized at 9 a.m. at the house of Bhaggu Jiaji. It was alleged in the complaint that certain persons



were inducing the villagers to convert their religion by assuring them that those persons who follows the Christianity would be provided free medical treatment, good education and a sum of Rs.50,000 to each persons. On the basis of the aforesaid complaint, a crime No.409/2025 was registered at Police Station Sonkatch, District Dewas, against five persons, namely Manju, Kiran, Jagram, "M", "S" and Mithun, alleging that they were persuading the villagers to convert their religion. During the investigation the spot map was prepared and the statements of the complainant Gajraj Singh and other witnesses, namely Bhim Singh, Tara Bai and Jay Singh was recorded and the stationery used for persuading persons to convert their religion, along with a loudspeaker and a motorcycle was seized. Apart from that five persons against whom the FIR was lodged involving Rai Singh, son of Gaj Singh was also disclosed and it was found that accused "M" and "S" was below 18 years of age; accordingly, proceedings against the said juvenile were submitted before the Juvenile Justice Board, Dewas. Upon completion of the investigation, the police filed the charge-sheet against Manju, Kiran, Jagram, Rai Singh and Mithun for the offences punishable under Sections 3 and 5 of the Madhya Pradesh Freedom of Religion Act, 2021.

3. Trial Court framed the charges against the revision petitioners Jagram, Manju Singh and Kiran on the ground that complaint is not filed as per section 4 of the Madhya Pradesh Freedom of Religion Act, 2021 (hereinafter "The Act of 2021") has not been complied with. It is further submitted that the mandatory requirement envisaged under Section 10 of the



Act of 2021 has also not been complied with. It is further stated that the allegations regarding of allurement are barred, vague and unsubstantive and did not falls under the definition of section 2(a) of the Act of 2021. Even assumed the prosecution story as true the material collected during the investigation does not support the case of the petitioners with **Toofan Singh Vs. The State of Tamil Nadu AIR 2020 Supreme Court 5592 and A.R. Antulay vs R.S. Nayak & Another 1988 AIR 1531.**

4. Heard.

5. Counsel for the State opposes the criminal revision.

6. Before dealing with the rival contentions, it is appropriate to refer to the scope of exercise of power under section 227 of the Cr.P.C or presently section 250 of the BNSS, 2023. The Apex Court in **P. Vijayan vs. State of Kerala and another - (2010) 2 SCC 398**, made an in-depth consideration regarding the scope of power under section 227 Cr.P.C and held thus:

“10. Before considering the merits of the claim of both the parties, it is useful to refer to Section 227 of the Code of Criminal Procedure, 1973, which reads as under:

“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.”

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. Further, the words “not sufficient ground for proceeding against the accused” clearly show that the Judge is not a mere post office to frame the charge at the behest of the prosecution, but has to exercise his judicial mind to the facts of the case in order to determine whether a case for trial has been made out by the prosecution. In assessing this fact, it is not necessary for the court to enter into the pros and cons of the matter or into a weighing and balancing of evidence and probabilities which is really the function of the court, after the trial starts.

11. At the stage of Section 227, the Judge has merely to sift the evidence in order to find out whether or not there is sufficient ground for proceeding against the accused. In other words, the sufficiency of ground would take within its fold the nature of the evidence recorded by the police or the documents produced before the court which ex facie disclose that there are suspicious circumstances against the accused so as to frame a charge against him.”

7. In **Sajjan Kumar vs. Central Bureau of Investigation - (2010) 9 SCC 368**, the Apex Court has laid down certain guiding principles for discharge as under:

“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 CrPC 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.”

8. The position of law enunciated in the said decisions reveals that while invoking the power under section 227 of the Cr.P.C, the judge concerned has to consider only the record of the case and the document produced along with the same. If on such consideration, the Court formed an opinion that there is no sufficient ground to proceed against the accused concerned, he shall be discharged after recording the reasons therefor. It is also evident from the precedence on the aforesaid question that while exercising the said power, the Court could sift the materials produced along with the final report only for the purpose of considering the question whether there is ground to proceed against the accused concerned.

9. The further limitation that at the stage of framing of charge or



considering the discharge application, the impermissibility of mini trial as laid down in **State of Rajasthan vs. Ashok Kumar Kashyap - 2021 SCC OnLine SC 314** is being referred as under:

"At the stage of framing of the charge and /or considering the discharge application, the mini trial is not permissible."

10. In **CBI vs. Aryan Singh -2023 SCC Online SC 379** also, the same position of law has been reiterated. The relevant paragraph from the said judgment is extracted herein below:

"Para 10As per the cardinal principle of law, at the stage of discharge and/or quashing of the criminal proceedings, while exercising the powers under Section 482 Cr.P.C., the Court is not required to conduct the mini trial.

At the stage of discharge and/or while exercising the powers under Section 482 Cr.P.C., the Court has a very limited jurisdiction and is required to consider "whether any sufficient material is available to proceed further against the accused for which the accused is required to be tried or not."

11. Now come to the facts of this case, firstly this court is reproducing the contents of the complaint dated 30.06.2025:-

" मैं प्रार्थी गजराजसिंह पिता धुलसिंह निवासी ग्राम चौबारा जागीर तहसील सोनकच्छ जिला देवास म.प्र. का होकर निवेदन करता हूँ कि आज दिनांक 20.06.2025 को समय सुबह 08:30 बजे भटकण्ड (चौबारा जागीर) मुझे सूचना दी कि यहां हमारे गांव में एक मिटिंग रखी गई है जिसे बाहर से कोई लोग आने वाले हैं वह ईलाज भी करते हैं एवं अन्य कई समस्याओं का निदान भी करते हैं। मैं व मेरे साथी भीमसिंह व जयसिंह साथ में



09:00 बजे हम पहुंचे वहां पर हम भग्गु जीयाजी के मकान पर मिटिंग में बैठे एवं भट्टकुण्ड के अन्य कई महिलाएं व बच्चे भी थे। मिटिंग में बाहर से कोई तीन लड़कियां मंजु, [REDACTED] किरण [REDACTED] "M" [REDACTED] व दो लड़के "S" [REDACTED] मिथुन, पिता अज्ञात आये थे। उन्होंने ईशु (ईशामसीह) के पोस्टर लगा रखे थे व ईशाई धर्म के बारे में बता रहे थे कि हमारे ईशु सब कार्य करते हैं किसी की भी मनोकामनाएं हो तो पूरी करते हैं उनके फोटो लगाओं एवं किश्र्यन धर्म का गुणगान कर रहे थे और अन्य सामग्री लगाकर ईशाई धर्म अपनाने के लिए सभी लोगों को प्रेरित कर रहे थे एवं पैसो का मालच व खाने पीने का लालच दे रहे थे। इसके बाद वह हिन्दु सनातन धर्म के उपर टिका टिप्पणी करना उन्होंने शुरू कर दी। आपके घर में जो भगवान के फोटो लगे हैं जैसे हनुमान जी, दुर्गादेवी, भोलेनाथ, श्रीराम इन देवी देवताओं के फोटो आप मत लगा और इनको अपने घर से बाहर निकाल कर । फेंको इनको लगाने से कुछ नहीं होता है यह कभी किसी की रक्षा नहीं करते हैं। जब श्रीराम अपनी पत्नी की रक्षा नहीं कर पाये तो आप लोगों की क्या रक्षा करेंगे, अगर यह सब भगवान होते तो रोज इतनी अनहोनी घटनाएं हो रही हैं उनको वह बचाते हमारे ईशाई धर्म में प्रभु ईशु सब की रक्षा करते हैं, एवं सबके कार्य भी उनकी प्रार्थना करने से पूरे होते हैं, इस कारण आप सभी लोग हिन्दु सनातन धर्म छोड़कर ईशाई धर्म अपना लो। ईशाई धर्म अपनाने पर आप सभी लोगों को हम फ्री में इलाज करवायेगे एवं आपके बच्चों को अच्छे स्कूल में पढायेगे जो भी व्यक्ति ईशाई बनेगा उन लोगों को 50-50 हजार रुपये देंगे। हम लोगों ने इनकी बातों का विरोध किया तो यह लोग विवाद करने पर उतारू हो गये फिर गांव के बहुत लोग ईडगठा हो गये थे। हमने उक्त संबंध में पुलिस को भी सूचना दी जिस पर से पुलिस भटकुण्ड आई और सभी को मय इनके पास मिले धर्म प्रचार से संबंधित सामान के पुलिस थाना सोनकच्छ में लेकर आये हैं। इन सभी लोगों के विरुद्ध धर्म परिवर्तन करवाने के संबंध में उचित



दण्डात्मक कार्यवाही की जावे।"

12. The perusal of the above complaint reveals that the complainant himself was present at the meeting wherein the participants were allegedly induced and allured to convert their religion. Therefore, the contention regarding non-compliance with Section 4 of the Act of 2021 is devoid of merit and deserves to be rejected. Now come to the objection based on the alleged violation of Section 10 of the Act, 2021. It is evident that the declaration contemplated under Section 10 is to be made by the person intending to convert his or her religion. Non-compliance with the said provision is separately made punishable under Section 10(4) of the Act. In the present case, no charge has been framed under Section 10(4) of the Act. Consequently, the question of obtaining prior permission or sanction of the District Magistrate does not arise for prosecution under Section 3 and Section 5 of the Act. Thus, the challenge founded on the alleged non-compliance with Section 10 of the Act, 2021 is unsustainable. Further, the averments contained in the complaint dated 20.06.2025, if taken at its face value, *prima facie* fall within the ambit of "allurement" as defined under Section 2(a) of the Act of 2021. The material collected during the course of investigation also *prima facie* discloses the involvement of the revision petitioners, Rai Singh as they are alleged to have provided the equipments used for advertising the alleged inducement for religious conversion. At the stage of framing of charge, the Court is only required to ascertain whether a *prima facie* case is made out and not to appreciate the evidence as if conducting a trial. Applying the said settled principle, sufficient material



exists to proceed against the revision petitioners. In view of the aforesaid discussion, the reliance placed by the revision petitioners on **Toofan Singh (Supra)** and **A.R. Antulay (Supra)** does not support the case of the revision petitioners. The Criminal Revision, being devoid of merit, deserves to be and is accordingly **dismissed**.

(GAJENDRA SINGH)
JUDGE

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