

SUPREME COURT OF INDIA

Ravindra @ Bala Jagariath Patil

Vs.

State of Maharashtra

Crl.A.No.1438 of 2013

(H.L. Dattu and M.Y. Eqbal JJ.)

13.09.2013

ORDER

1. Delay in filing the Special Leave Petition is condoned.
2. Leave granted.
3. This appeal is directed against the judgment and order passed by the High Court of Judicature at Bombay in Criminal Revision Application No.581 of 2011, dated 10.01.2012 whereby the High Court has dismissed the Criminal Revision Application filed by the appellants.
4. The offences alleged against the appellants are punishable under Sections 400, 336 and 412 of the Indian Penal Code, 1860 (for short 'the IPC'). The learned Assistant Sessions Judge had framed the charges against the appellants-herein under Section 412 of the IPC.
5. Aggrieved by framing of the charges under Section 412 of the IPC by the learned Assistant Sessions Judge, the appellants-herein had filed a Criminal Revision Application before the High Court. The High Court while affirming the orders passed by the learned Assistant Sessions Judge had dismissed the same and had levelled charge against the appellants under Section 120-B of the IPC. Aggrieved by the said order of the High Court, the appellants are before us in this appeal.

6. Learned counsel for the respondent submits that the charge under Section 120-B was not made out against the appellants by the learned Assistant Sessions Judge and, therefore, the High Court was not justified in dismissing the Criminal Revision Application filed by the appellants.

7. While perusing the complaint as well as the charges framed by the learned Assistant Sessions Judge we have observed that at no point of time the appellants-herein were framed under Section 120-B of the IPC. Taking that view of the matter, we are of the opinion that the High Court ought not to have framed the appellants-herein under Section 120-B of the IPC.

8. In view of the above, while allowing this appeal, we set aside the judgment and order passed by the High Court and affirm the order passed by the learned Assistant Session Judge.

Ordered accordingly.