RAJASTHAN HIGH COURT
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HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

S.B. Criminal Revision Petition No. 632/2024
CNR: RJHC010353052024 | URN: CRLR / 1441U / 2024

Rajasthan High Court
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Jai Ram Ahir S/o Chunni Lal Ahir, Aged About 76 Years, R/o Morban Ps Mangalwad District Chittoregarh.

----Petitioner

Versus

1. State Of Rajasthan, Through Pp
2. Ramesh S/o Nathu Lal, R/o Morvan Police Station Mangalvad District Chittorgarh.

----Respondents

For Petitioner(s) : Mr.Jitendra Ojha
For Respondent(s) : Mr.Narendra Gehlot,Dy.G.A.

HON'BLE MR. JUSTICE FARJAND ALI

Order

Date of Conclusion of Arguments : 08/10/2026

Date on which Order is Reserved : 08/10/2026

Full Order or Operative Part : Full Order

Date of Pronouncement : 20/11/2026

By the Court:-

Grievance

1. The petitioner has preferred the instant criminal revision petition assailing the order dated 25.04.2024 passed by the learned Special Judge, SC/ST (Prevention of Atrocities) Cases, Chittorgarh, in Sessions Case No.112/2022, whereby charges have been framed against him for the offences

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punishable under Section 304 of the Indian Penal Code and Sections 3(1)(r), 3(1)(s) and 3(2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

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Facts of the Case

2. The factual matrix, as emerging from the prosecution case, is that on 21.04.2022, respondent No.2, Ramesh, lodged a written report at Police Station Mangalwad, District Chittorgarh, alleging that on 20.04.2022, at approximately 5:00 PM, his eleven-year-old son, Kailash, had gone to graze goats. An mango tree bearing fruits was situated on the boundary of the agricultural field belonging to the petitioner, Jai Ram Ahir. Attracted by the mangoes, the deceased went towards the field to pluck/eat them. It was alleged that the petitioner had installed fencing around the agricultural field to protect the crop from animals and had illegally caused electric current to pass through the wires, as a consequence of which the deceased came into contact with the electrified fencing and suffered a fatal electric shock. On the basis of the said report, FIR No.56/2022 was registered initially for the offence under Section 304-A IPC.

3. During the course of investigation, the complainant submitted a further report dated 24.04.2022, alleging that the petitioner had earlier visited his house on account of the deceased having plucked mangoes from his field, abused his

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wife, Leela Bai, by using caste-indicative expressions and threatened that if the child entered his field again, he would kill him. It was further alleged that, owing to the aforesaid animosity, the petitioner had deliberately installed bare electric wires with an intention to cause the death of the deceased. Upon completion of investigation, the police filed charge-sheet No.37/2022 dated 16.06.2022 for the offences punishable under Section 304 IPC and Sections 3(1)(r), 3(1)(s) and 3(2)(v) of the SC/ST Act.

4. The learned trial Court, upon consideration of the material collected during investigation and after hearing the rival submissions, proceeded to frame the aforesaid charges against the petitioner vide the impugned order dated 25.04.2024, giving rise to the instant revision petition.

5. Heard learned counsels present for the parties and gone through the materials available on record.

Observations and Findings

6. Having considered the submissions advanced by learned counsel for the petitioner, perused the impugned order and meticulously examined the material available on record, this Court finds no justification to interfere with the order impugned herein.

7. At the outset, it is apposite to reiterate that the stage of framing of charge is not the stage for conducting a meticulous appraisal or an elaborate evaluation of the

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prosecution evidence. The Court is required to examine whether the material collected during investigation, if taken at its face value, gives rise to a grave or strong suspicion regarding the involvement of the accused in the commission of the alleged offences. At this stage, the Court is neither expected to determine the ultimate guilt or innocence of the accused nor to undertake a mini-trial by weighing the probative value of each piece of evidence.

8. In this regard, reliance may aptly be placed upon the judgment of the Hon'ble Supreme Court in **Kanti Bhadra Shah & Anr. v. State of West Bengal, (2000) 1 SCC 722**, wherein it has been held that at the stage of framing of charge, the Court is not required to record elaborate reasons for its decision. The Court is required to consider whether the materials placed before it disclose sufficient grounds for proceeding against the accused, and it is not incumbent upon it to enter into a detailed discussion of the evidence or to express any concluded opinion regarding the merits of the prosecution case.

9. In the present case, the incident in question has been specifically narrated in the FIR as well as in the subsequent report lodged by the complainant. The prosecution case is not founded merely upon the unfortunate occurrence of the death of a child in an agricultural field; rather, specific allegations have been levelled against the petitioner that he

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had installed fencing around his agricultural field and caused electric current to pass through the wires for protecting his crop from animals. The investigation has also resulted in the collection of material concerning the spot inspection, the condition of the wires installed at the place of occurrence, the report obtained from the Assistant Engineer, Rajasthan Rajya Vidyut Vitran Nigam Limited, the statements of the complainant and other witnesses, the seizure of the wires allegedly used in the incident at the instance of the petitioner under Section 27 of the Indian Evidence Act, and the other connected documents forming part of the charge-sheet. Thus, the prosecution version is supported by material collected during investigation and cannot, at this preliminary stage, be brushed aside merely on the ground that the petitioner disputes the allegations or the inference sought to be drawn therefrom.

10. The contention that the alleged act would, at the highest, fall within the ambit of Section 304-A IPC and not Section 304 IPC, also does not merit acceptance at this stage. It is true that the mere factum of death resulting from an accident would not, by itself, be sufficient to attract Section 304 IPC. However, the nature of the act, the circumstances in which it was performed and the knowledge attributable to the person committing it are relevant considerations. In the present matter, the allegation is that the petitioner had deliberately caused electric current to pass

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through wires installed in an agricultural field situated in an open area, where the possibility of human beings, including persons entering the field or coming into contact with the fencing, could not be ruled out. It is a matter of ordinary prudence that a person who causes electric current to pass through exposed wires in an accessible agricultural field cannot be oblivious to the grave and potentially fatal consequences of such an act. The fact that electricity is inherently capable of causing death upon human contact is within the ordinary comprehension of a reasonable person. Consequently, the requisite knowledge regarding the likelihood of causing death is, prima facie, capable of being inferred from the very nature and circumstances of the alleged act.

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11. The petitioner, therefore, cannot claim, as an absolute proposition at this stage, that the incident necessarily falls within the domain of a mere rash or negligent act punishable under Section 304-A IPC. Whether the petitioner actually possessed the requisite knowledge, whether such knowledge was accompanied by the necessary culpable mental element, and whether the ingredients of Section 304 IPC are ultimately established are matters which would require appreciation of evidence during trial. At the stage of framing of charge, the material on record does raise a prima facie case warranting the petitioner to face trial for the offence under Section 304 IPC. The distinction sought to be drawn

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between an offence under Section 304 IPC and Section 304-A IPC cannot be conclusively determined by undertaking a defence-oriented appreciation of the material at this preliminary stage.

12. So far as the offences under the SC/ST Act are concerned, the charge-sheet contains specific allegations that on 18.04.2022, prior to the incident in question, the petitioner had visited the complainant's house and subjected his wife, Leela Bai, to caste-based verbal abuse and humiliation in a place within public view. The prosecution has further alleged that the petitioner was aware of the caste identity of the complainant and his deceased son, both belonging to the Meghwal community, which is a Scheduled Caste. The statements of the witnesses recorded during investigation, coupled with the allegations contained in the subsequent report, constitute material which cannot be discarded at this stage.

13. The ingredients of Sections 3(1)(r) and 3(1)(s) of the SC/ST Act, particularly the allegations of intentional insult or intimidation with intent to humiliate a member of a Scheduled Caste in a place within public view and the use of caste-based abusive language, are prima facie discernible from the prosecution material. Further, the allegation that the petitioner committed the offence under the IPC knowing that the victim belonged to a Scheduled Caste also furnishes

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a prima facie foundation for invoking Section 3(2)(v) of the SC/ST Act, subject, of course, to the statutory ingredients applicable to the alleged offence. The question whether the prosecution would ultimately succeed in establishing the requisite ingredients of the aforesaid provisions is a matter to be adjudicated upon after the evidence is led.

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14. It is, thus, evident that the learned trial Court has not proceeded to frame the charges in an arbitrary or mechanical manner. The impugned order records the rival submissions, notices the allegations contained in the complaint and refers to the material collected during investigation, including the alleged electrification of the fencing and the caste-based incident preceding the occurrence. The learned trial Court has also assigned reasons for arriving at the conclusion that sufficient material exists to proceed against the petitioner. The mere fact that the petitioner seeks a different interpretation of the material or that another possible view may be canvassed on his behalf does not, by itself, render the impugned order unsustainable.

15. This Court is conscious of the settled position that a charge cannot be framed merely on the basis of conjectures or surmises. However, where the material on record gives rise to a strong suspicion that the accused may have committed the alleged offences, the Court would be justified in directing him to face trial. The exercise of revisional

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jurisdiction at this stage cannot be converted into an adjudication on the reliability, admissibility or ultimate sufficiency of the prosecution evidence, particularly when the disputed factual aspects are yet to be tested through the process of trial.

16. In view of the foregoing discussion, this Court is of the considered opinion that the material collected during investigation, when viewed cumulatively and at the threshold applicable to the stage of framing of charge, discloses sufficient grounds for proceeding against the petitioner for the offences punishable under Section 304 IPC and Sections 3(1)(r), 3(1)(s) and 3(2)(v) of the SC/ST Act. The learned trial Court has committed no illegality, perversity or jurisdictional error in passing the impugned order warranting interference by this Court in exercise of its revisional jurisdiction.

Conclusion

17. Consequently, the instant criminal revision petition, being devoid of merit, is hereby dismissed. The order dated 25.04.2024 passed by the learned Special Judge, SC/ST (Prevention of Atrocities) Cases, Chittorgarh, framing charges against the petitioner for the offences punishable under Section 304 IPC and Sections 3(1)(r), 3(1)(s) and 3(2)(v) of the SC/ST Act, is hereby affirmed.

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18. It is, however, clarified that the observations made hereinabove are confined strictly to the adjudication of the present revision petition and shall not prejudice either party during the course of trial. The learned trial Court shall independently appreciate the evidence that may be adduced before it, uninfluenced by any observation made in this order.

(FARJAND ALI),J

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