

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

CRR No. 1483 of 2025

(AKSHAY KANTILAL BAM AND OTHERS Vs THE STATE OF MADHYA PRADESH AND OTHERS)

Dated : 04-04-2025

Shri Raghvendra Singh Raghuvanshi -Advocate for the petitioners.

Shri Rajesh Joshi - Govt. Advocate for the respondent/State.

Issue notice to respondent no.2 on payment of process fee within three working days. Notice be made returnable within three weeks.

I.A. No. 4514/2025, an application for stay of proceedings before the trial Court is taken up.

Learned counsel for the petitioners submits that the trial is pending since 2014. The complainant filed an application dated 06.04.2024 before the learned JMFC, Indore. Learned JMFC allowed the application and committed the case for trial to the Court of Sessions in relation to offence punishable u/S 307 of IPC *vide* order dated 24.04.2024. Learned 22nd Additional Sessions Judge, Indore framed charges for offence punishable u/S 307 of IPC and other offence against the petitioners.

Present petition u/S 528 of BNSS, 2023 is filed assailing framing of charge by the learned 22nd Additional Sessions Judge, Indore *vide* order dated 07.03.2025.

Learned counsel for the petitioners contends that despite pendency of the trial before the JMFC, Indore for long 17 years, no application for cognizance of offence punishable u/S 307 of IPC was ever filed. It was filed only when the petitioner no.1 has declared his candidature for elections.

Later, the matter was committed to the Court of Sessions and the charges were framed. Case is fixed for recording of evidence on 30.04.2025. Petitioner objects to the process as well as framing of charge. Since further proceedings of the trial may cause severe prejudice to the petitioners, the proceedings be stayed.

Per contra, learned counsel for the State opposes the application and submits that the learned JMFC has committed the case to the Court of Sessions on the basis of material on record. Learned Sessions Judge has framed the charges as the offence punishable u/S 307 of IPC is made out against the petitioners. Therefore, no prejudice is caused to the petitioners.

Considered.

The petitioners have assailed framing of charge.

In peculiar facts and circumstances of the case, it is directed that further proceedings of the trial shall remain stayed till the next date of hearing only.

Meanwhile, learned counsel for the State is directed to requisition and submit the case diary and relevant documents.

List the matter for hearing on 02.05.2025.

C.C. as per rules.

(SANJEEV S KALGAONKAR)
JUDGE