

CrPC S. 227 - Charge - Framing of - Not permissible for the Judicial Magistrate, to take into consideration the evidence in defence produced by the appellant as it has consistently been held by this Court that at the time of framing the charge, the only documents which are required to be considered are the documents submitted by the investigating agency alongwith the charge-sheet - The provision about hearing the submissions of the accused as postulated by Section 227 means hearing the submissions of the accused on the record of the case as filed by the prosecution and documents submitted therewith and nothing more.

Held, Any document which the accused want to rely upon cannot be read as evidence. If such evidence is to be considered, there would be a mini trial at the stage of framing of charge. That would defeat the object of the Code. The provision about hearing the submissions of the accused as postulated by Section 227 means hearing the submissions of the accused on the record of the case as filed by the prosecution and documents submitted therewith and nothing more. Even if, in a rare case it is permissible to consider the defence evidence, if such material convincingly establishes that the whole prosecution version is totally absurd, preposterous or concocted, the instant case does not fall in that category.

State of Orissa v. Debendra Nath Padhi, AIR 2003 SC 1512; State of Orissa v. Debendra Nath Padhi, AIR 2005 SC 359; S.M.S. Pharmaceuticals Ltd. v. Neeta Bhalla & Anr., AIR 2005 SC 3512; Bharat Parikh v. C.B.I. & Anr., (2008) 10 SCC 109; and Rukmini Narvekar v. Vijaya Satardekar & Ors., AIR 2009 SC 1013

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