

Crl. Misc. No. M-10860 of 2015

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Crl. Misc. No. M-10860 of 2015
Date of decision: 20.05.2015

Suman Jindal @ Suman Aggarwal

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

- 1) Whether Reporters of the local papers may be allowed to see the judgment ?
- 2) To be referred to the Reporters or not ?
- 3) Whether the judgment should be reported in the Digest ?

Present: - Mr. Puneet Sharma, Advocate, for the petitioner.

PARAMJEET SINGH, J. (ORAL)

Instant petition under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 14.05.2014 passed by learned Additional Sessions Judge, Amritsar in Criminal Revision No.12972 of 2013 titled "Ravi Kumar Aggarwal and another v. State of Punjab" along with charge-sheet dated 04.06.2013 and order dated 04.06.2013 whereby application for discharge of the petitioner in Criminal Revision No.12972 of 2013 has been dismissed.

I have heard learned counsel for the petitioner and perused the record.

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Learned counsel for the petitioner contends that at the time of framing of charge, Court is required to look into the report under Section 173 Cr.P.C. and the statements recorded under Section 161 Cr.P.C. and thereafter form an opinion whether charge is made out or not. Learned counsel further contends that there is no document on record with regard to alleged purchase of goods which could prove connivance of the co-accused with the petitioner. Learned counsel for the petitioner further contends that there is also no document on record to show that petitioner was at all handling the business of sale and purchase of alleged goods. Learned counsel further contends that business was being run by the husband of the petitioner being sole proprietor of the firm. Learned counsel contends that framing of charge is faulty because no date and place has been mentioned with regard to commission of offence. In support of the contentions, learned counsel for the petitioner made reference to judgments of Hon'ble Supreme Court in ***Vir Prakash Sharma v. Anil Kumar Agarwal and another***, (2007) 7 Supreme Court Cases 373, ***Hotline Teletubes and Components Ltd. and others v. State of Bihar and another***, (2005) 10 Supreme Court Cases 261, ***Minakshi Bala v. Sudhir Kumar***, 1994(3) R.C.R. (Criminal) 123, ***Sharon Michael and others v. State of Tamil Nadu and another***, 2009 (1) R.C.R. (Criminal) 759, ***Anil Mahajan v. Bhor Industries Ltd. and another***, 2006(4) R.C.R. (Criminal) 834, ***Alpic Finance Ltd. v. P. Sadassivan***, 2001(1) R.C.R. (Criminal) 756, ***Helios & Matheson Information Technology Ltd. and others v. Rajeev Sawhney and another***, 2012(1) R.C.R. (Criminal) 354, judgments of this Court in ***Sunita Bajaj v.***

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Punjab and Sind Bank, 1998(1) R.C.R. (Criminal) 129 and Pardeep Kumar v. State of Haryana, 1996(2) R.C.R. (Criminal) 791.

I have considered the contentions raised by learned counsel for the petitioner.

Perusal of statement of Ashok Kumar complainant recorded under Section 161 Cr.P.C. (Annexure P-5) clearly indicates that petitioner, who happens to be the wife of one of the co-accused Ravi Kumar, and others have committed fraud by purchasing goods worth more than of ₹ 14.00 lacs from the firm of the complainant, sold the same and ran away from the area without making any payment to the said firm.

So far as contention of the learned counsel for the petitioner that no date, time and place has been mentioned of the alleged occurrence is concerned, there is specific provision in the Code of Criminal Procedure that charge can be amended at any time. If petitioner feels aggrieved against that, petitioner will be at liberty to move application before the trial Court for specifying the period for which he has been challaned. In view of the judgment of the Hon'ble Supreme Court in ***State Tr. Insp. of Police v. A. Arun Kumar and another***, 2015(1) R.C.R. (Criminal) 295 Court is not required to pass a speaking order for framing of charge. Court is only required to satisfy itself whether prima facie case is made out or not. So far as impugned order passed by learned Sessions Judge in revision is concerned, it has been categorically held that petitioner has prima facie committed the offence. In the order all the details with regard to purchase of various

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kinds of cereals like Rajmah, Grams etc. have been mentioned. Moreover, learned Additional Sessions Judge has minutely considered the facts and upheld the framing of charge. The judgments relied upon by the learned counsel for the petitioner are not applicable to the facts and circumstances of the case. The learned counsel has failed to point out how the judgments support his contentions. Rather judgment of Hon'ble Supreme Court in *State of Tr. Insp. of Police* (supra) is fully applicable to the case in hand.

In view of above, I do not find any illegality or infirmity in the impugned order.

Dismissed.

(Paramjeet Singh)
Judge

May 20, 2015
R.S.