

236 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM No.M-16586 of 2014

Date of Decision: January 13, 2015

Balwan Singh and others

.... Petitioners

vs.

Dharmbir

.... Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Rajesh Arora, Advocate for the petitioners.

Mr. S.K. Tripathi, Advocate for the respondent.

1. Whether Reporters of Local Newspapers 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?

Kuldip Singh J.(Oral)

Impugned in the present petition is the judgment dated 21.03.2014 passed by learned Addl. Sessions Judge, Gurgaon, whereby the revision filed by the present petitioners against the order dated 19.08.2013 passed by learned Judicial Magistrate 1st Class, Gurgaon, under Sections 323 read with Section 34 of the Indian Penal Code, 1860, was dismissed on the ground that the same is not maintainable.

This Court will confine the only prayer whether the revision against the charge is maintainable or not.

The learned Addl. Sessions Judge, Gurgaon, has taken the view that the order framing the charge is interlocutory.

I am of the view that the order which results in termination of the proceedings like the order framing or not framing the charge cannot be called interlocutory in nature. As per Section 397 of the Code of Criminal Procedure, 1973, the revision against the charge is maintainable and has to be decided on merits. In this regard, reliance has been placed on the judgment of the this Court in case of ***“Rajbir Dhiman and others vs. State of Haryana and others”, 2011(4) R.C.R. (Criminal) 756.***

Therefore, the impugned judgment is set aside on the short ground that the learned Addl. Sessions Judge, Gurgaon shall decide the matter on merits. The parties are directed to put in appearance before the learned Addl. Sessions Judge, Gurgaon, on 09.02.2015.

The petition is accordingly allowed.

January 13, 2015
sarita

(KULDIP SINGH)
JUDGE