

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

**Crl. Misc. No.M- 27713 of 2015 (O&M)
Date of decision : 09.10.2015**

Shabnam and another

.....Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Amandeep Singh Saini, Advocate
for the petitioners.

ANITA CHAUDHRY, J.

CRM No.33172 of 2015

For the reasons set out in the application, same is allowed as prayed for and accompanying document (Annexure P-1) is allowed to be taken on record.

CRM-M-27713-2015

This is a petition filed under Section 482 Cr.P.C. for quashing the order and judgment dated 08.05.2015, passed by the Sessions Judge, Ferozepur vide which proceedings under Section 344 Cr.P.C. have been initiated against the petitioners.

Heard.

The counsel for the petitioners contends that the prosecutrix had fully supported the prosecution version and the accused was convicted and the proceedings under Section 344 Cr.P.C. have been initiated and therefore, the impugned judgment dated 08.05.2015, passed by the Sessions Judge qua the finding, vide which proceedings have been ordered to be initiated against the petitioners should be set aside. The counsel urges that the petitioner no.1 was young and due to her first appearance in the Court, she was under pressure and could not properly answer the questions put to her during cross-examination and there was a *bona fide* and unintentional mistake for which she could not be held guilty and no offence was made out and the proceedings against her should be dropped.

The petitioners were asked to place on record the copy of the statement made by the prosecutrix. The counsel for the petitioners had referred to it extensively but what he did not refer was the cross-examination. The statement of the prosecutrix was got deferred on 18.11.2014. The prosecutrix was cross-examined by the defence on 13.02.2015 it was then that she did not support the prosecution case and was turned hostile and liberty was given to the Public Prosecutor to cross-examine her.

The trial Court while disposing off the Sessions trial ordered separate proceedings to be initiated against the prosecutrix and her mother under Section 344 Cr.P.C. as they had willfully given false evidence during trial. Proceedings have been initiated for which notice had been sent. Whatever defence the petitioners have to take would be before that Court and it is to be examined by that Court.

The petition is dismissed being not maintainable.

09.10.2015
sunil

(ANITA CHAUDHRY)
JUDGE