

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-3386 of 2012 (O&M)

Date of Decision: 04.02.2015

Bhinder Kaur

.... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. S.K. Garg Narwana, Senior Advocate with
Mr. Naveen Gupta, Advocate,
for the petitioner.

Mr. R.S. Nain, AAG, Punjab.

Mr. Vipul Jindal, Advocate,
for the complainant.

M.M.S. BEDI, J (ORAL)

Counsel for the petitioner refers to the material forming part of report under Section 173 (2) Cr.P.C to challenges the order framing charges in a case under Section 380, 420, 465, 468, 471 and 120-B IPC where the allegation against the petitioner, who is a girl, is that she had brought solved answer sheet in the examination centre.

Learned counsel for the petitioner submits that neither offence of theft is made out nor the ingredients of cheating or preparation of false documents or user of the same are made out.

It has been informed that five witnesses have already been examined. In case on the basis of statement of material witnesses, the

ingredients of above said offences are not made out, it will always be open to the petitioner to move an application under Section 216 Cr.P.C for amendment of charge or it will always be open to the trial Court to either acquit the petitioner or to pass conviction order for any lesser offence as permissible under the law.

This petition is accordingly disposed of and it is directed that as the petitioner is a lady and facing trial for the last about 4 years, the trial Court shall make earnest endeavour for disposal of the trial within a period of six months from the next date of hearing by giving short dates, without prejudice to the above said right of the petitioner and with further liberty to the petitioner to raise all the pleas taken up in this petition before the trial Court at opportune time.

(M.M.S.BEDI)
JUDGE

February 04, 2015
harsha