

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.M-35030 of 2011 (O&M)
Date of Decision: January 12, 2015

Ranjeet Singh and another

...Petitioners

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Petitioner Ranjit Singh-in-person.

Mr.Varun Sharma, Asstt. Advocate General, Punjab
for the respondent-State.

Mr.R.S.Pandher, Advocate
for respondent No.2.

INDERJIT SINGH, J.

Petitioners Ranjeet Singh and Inderjeet Singh have filed this petition under Section 482 Cr.P.C. for quashing of order dated 08.06.2011 passed by learned Addl. Sessions Judge, Ludhiana and order dated 31.01.2011 passed by learned Judicial Magistrate Ist Class, Jagraon.

It is mainly stated in the petition that learned trial Court while framing the charge and learned Addl. Sessions Judge, Ludhiana while rejecting the revision petition have passed illegal orders.

Notice of motion was issued and learned State counsel as well as learned counsel for respondent No.2 appeared and contested

the petition.

I have heard petitioner-in-person as well as learned State counsel and learned counsel for respondent No.2 and have gone through the record.

As per order dated 31.01.2011, learned JMIC, Jagraon framed the charges against the present petitioners under Sections 447/34, 323, 324 and 511/34 IPC. Learned Addl. Sessions Judge, Ludhiana vide order dated 08.06.2011 dismissed the revision petition filed by present petitioners.

From the record, I find that first of all this petition under Section 482 Cr.P.C. is not maintainable. Against the order of framing of charge, revision is maintainable and the present petitioners have availed that remedy and the revision petition filed by the petitioners has already been dismissed by learned Addl. Sessions Judge, Ludhiana. Second revision petition as per Section 397(3) Cr.P.C. is not maintainable. Challenging of the order of trial Court as well as the order passed by the revisional Court in this petition, amounts to second revision in the guise of proceedings under Section 482 Cr.P.C. Nothing has been pointed out or shown as to how the orders passed by the Courts below amounted to miscarriage of justice. There is nothing on the face of it, which make these orders illegal. As per statement of Jatinder Singh (present respondent No.2), when he, his father and other labourers were boring the well deep, Ranjeet Singh son of Inderjeet Singh also cultivated the land of his (complainant) father by his tractor. Then his father and uncle Ajmer Singh had

suggested that land has already been divided. But Ranjit Singh forcibly cultivated 2½ kanals of land to take possession and to abuse the family of complainant. Ranjit Singh brought Axe and hit complainant but he had stopped it from his left land, therefore, his left hand's thumb and palm got injured. Complainant snatched the Axe and then accused went to his house and brought *toki* and then hit complainant and injured his right wrist and left arm. Inderjeet Singh also hit complainant with his *gandasa* on his left leg.

Keeping in view the allegations in the FIR, in no way, it can be held that no charge is made out. At the time of framing of charge, the Court is to see whether prima facie case is made out or not. At the time of framing the charge, the Court is not to weigh the evidence for the purpose of conviction. It is to be seen whether it is a case of no evidence or of some evidence. Even a strong suspicion is sufficient for framing of the charge.

From the perusal of the record, prima facie charge is made out against the present petitioners. No illegality has been committed by the Courts below nor it can be held that impugned orders resulted into miscarriage of justice.

Therefore, finding no merit in the present petition, the same is dismissed.

January 12, 2015
Vgulati

(INDERJIT SINGH)
JUDGE