

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

CRM No.M-36428 of 2014

Date of Decision: January 12, 2015

Ramesh and another

.... Petitioners

vs.

State of Haryana and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Slail Bali, Advocate for the petitioner.

Mr. Chetan Sharma, Asstt. Advocate General, Haryana.

Mr. Surinder Gandhi, Advocate for respondent No.2.

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)

Reply filed on behalf of respondent No.2 in the Court today, is taken on record.

Challenged in the present petition is the order dated 01.10.2014 passed by learned Addl. Session Judge, Rohtak, affirming the order of the order dated 21.03.2014 passed by learned Judicial Magistrate 1st Class, Rohtak, whereby the application of the revisionist for discharge was dismissed.

It has been pointed out on behalf of the State that now Section 307 of the Indian Penal Code, 1870 (in short 'IPC') has been added and the case has been committed to the court of Sessions for trial. The case is now fixed for arguments on charge.

The contention of the learned counsel for the petitioner is that only evidence against the revisionist is the statement of co-accused, which is inadmissible in evidence. It has been argued that there is no other evidence against the petitioner on the basis of which he could be tried. In these circumstances, let all these pleas be raised before the Sessions Court at the time of arguments on charge.

The Sessions Court shall deal with all the arguments of the petitioner and record the reasoning if it is found that there are sufficient grounds for framing the charge. While considering the question framing the charge, the order passed by learned Addl. Sessions Judge, Rohtak, dismissing the application of the revisionist for discharge and the reasoning recorded therein shall not be taken into consideration.

The revision petition is disposed of with the abovenoted direction.

January 12, 2015
sarita

(KULDIP SINGH)
JUDGE