

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-38986 of 2015

Date of decision : November 18, 2015

Rampal

..... Petitioner

versus

State of Haryana

... Respondent

CORAM:- HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Lalit Pardhan, Advocate
for the petitioner

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ANITA CHAUDHRY, J.(ORAL)

This petition has been filed under Section 482 Cr.P.C. for quashing the order dated 26.10.2015 vide which the revision filed by the petitioner was dismissed.

The petitioner is aggrieved as the trial Court vide its order dated 07.05.2015 has framed the charge under Section 406, 420 IPC. The revision was laid before the Sessions Court which too was dismissed by the Additional Sessions Judge, Bhiwani on 26.10.2015.

A complaint was made by Satish Kumar naming the petitioner, his brother and father of taking ₹ 12 lacs for getting a job with Delhi Police. The complainant claimed that a sum of ₹ 12 lacs was paid on 09.01.2012 to the accused. The payment was made in the presence of 4 persons. The accused kept on lingering nor paid the money back and thereafter prepared an affidavit that the money had been returned. The complainant approached the police and the accused were summoned where they confessed to the mistake and promised to return the amount by 01.12.2012. The amount was still

not paid and thereafter an FIR was got registered in January 2013.

After the completion of investigation challan had been submitted against all the three persons. Charge was framed under Section 420 and 406 IPC by the Judicial Magistrate First Class Charkhi Dadri (Annexure P-3). Dissatisfied with the order revision was preferred before the Additional Sessions Judge who considered the submissions and rejected the same.

I have heard learned counsel for the petitioner.

Learned counsel for the petitioner contends that the petitioner is a Government servant and he had been dragged in the litigation and he was not named in the FIR.

Perusal of the FIR shows that the complainant had named the petitioner and the complainant had spoken about his presence as well. The trial Court has framed the charges on the basis of material which was before it. The trial Court as well as the revisional Court had considered the submissions and have rejected it whether the case is false or otherwise is a matter of trial. There is no merit in the petition.

The petition is dismissed in limine.

November 18, 2015
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(ANITA CHAUDHRY)
JUDGE