IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Criminal Revision No.11 of 2015 (O&M)
Date of decision: 06th January, 2015

Randeep

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Brijender Kaushik, Advocate,
for the petitioner.

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INDERJIT SINGH, J.

Petitioner Randeep has filed this petition against respondent-State of Haryana under Section 401 Cr.P.C. challenging the impugned order dated 26.09.2014, passed by the learned Additional Sessions Judge, Ambala, vide which charges under Sections 195, 120-B IPC and Section 25 of the Arms Act have been framed against him.

It is mainly stated in the revision petition that the charges framed by the learned trial Court vide order dated 26.09.2014, against the petitioner are totally illegal and without jurisdiction. It is further stated that the learned trial Court fell in error while framing the charges under Sections 195, 120-B IPC and Section 25 of the Arms Act against the petitioner. It is also stated that the case against the petitioner is totally false and frivolous and it has been filed only to harass him. It is stated that there is no evidence to frame the

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charges against the petitioner under these sections.

I have heard learned counsel for the petitioner and have gone through the record.

At the time of arguments, learned counsel for the petitioner only contended that the offence under Section 195 IPC is not made out against him and only charge under Section 182 IPC. should be framed against him. Learned counsel for the petitioner further contended that there is no evidence on record to frame the charges under Section 120-B IPC as well as Section 25 of the Arms Act against the petitioner. Though, at the time of arguments, learned counsel for the petitioner, admitted that the prosecution has shown recovery of weapon on the basis of disclosure statement of petitioner. Perusal of the report under Section 173 Cr.P.C. shows that in no way, it can be held that it is a case of no evidence. At the time of framing of charge, it cannot be decided that it is a false case. This fact can be decided only on the basis of evidence before the learned trial Court. There is allegation against the petitioner that he fabricated the evidence to convict other person in case under Section 307 IPC and Section 25 of the Arms Act. The petitioner got recovered 315 bore revolver from Haridwar. The said revolver and the empty cartridge, which was recovered from the place of occurrence were sent to FSL and the report was received. At the time of framing of charge, the Court is not to weigh the evidence, the Court is only to see whether it is a case of some evidence or no evidence. Even a strong suspicion

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is sufficient for framing the charges.

From the above discussion, in no way, it can be held that it is a case of no evidence. Prima facie case is made out against the petitioner. No illegality has been committed by the learned trial Court while passing the impugned order dated 26.09.2014 and framing the charges against the present petitioner.

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

06th January, 2015 **(INDERJIT SINGH)**
mamta **JUDGE**

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