

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

Crl.Rev.No.1715 of 2015

Date of decision : 12.5.2015

Rajender Parsad

....Petitioner

Versus

State of Haryana and another

...Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

....

Present : Mr. Abhijat Gaur, Advocate
for the petitioner

.....

MAHESH GROVER, J.

The petitioner impugns the order dated 17.4.2015 whereby charge has been altered to incorporate Section 376(2) IPC.

Learned counsel for the petitioner contends that power has been used to his disadvantage and the order needs to be set aside as the prosecutrix never made this statement before the police at any stage of the proceedings. It is only during the course of trial that she has chosen to level allegations of rape.

After hearing the learned counsel for the petitioner, I am of the opinion that at this stage of the proceedings the court cannot comment on the veracity of the statement made by the prosecutrix. The powers under Section 216 Cr.P.C. enable a court

to alter the charge at any stage of proceedings. Considering the fact that the prosecutrix has levelled allegations of rape against the petitioner, it would be difficult for this Court, while exercising the revisional jurisdiction, to comment upon the correctness of the allegations and the other related evidence which is sought to be relied upon by the petitioner in support of his plea that the prosecutrix has made false allegations. It is for the learned trial Court to look into the entire evidence at the stage of conclusion of the proceedings and at this stage the impugned order cannot be said to be suffering from any infirmity as the Court cannot comment upon the veracity of the statement made by the prosecutrix to conclude that power under Section 216 Cr.P.C. exercised by the learned trial Court is unwarranted.

Petition dismissed.

12.5.2015
dss

(MAHESH GROVER)
JUDGE