IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Criminal Revision No.4008 of 2014 (O&M)
Date of decision: 15th January, 2015

Usha Rani

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Yogesh Chaudhary, Advocate,
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana,
for the respondent-State.

Mr. Vaibhav Narang, Advocate,
for respondent No.2.

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INDERJIT SINGH, J.

Petitioner Usha Rani has filed this revision petition against respondents-State of Haryana and Virender Sharma, challenging the order dated 17.10.2014, passed by the learned Sub Divisional Judicial Magistrate, Assandh.

It is stated that the impugned order dated 17.10.2014, vide which the petitioner has been ordered to be summoned as an additional accused on the application under Section 319 Cr.P.C. in case FIR No.486 dated 14.09.2010, registered at Police Station Assandh, District Karnal, under Sections 406, 420, 467, 468, 471, 120-B, 506 IPC is erroneous in law as well as on facts and the same is liable to be set aside.

Notice of motion was issued.

Learned State counsel as well as learned counsel for respondent No.2 have appeared and contested this petition.

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

In this case, a complaint was filed before the learned lower Court which was sent under Section 156 (3) Cr.P.C. to the police station for registration of FIR and the FIR was registered. After investigation, challan was filed only against Rajinder Singh whereas in the complaint, the complainant has stated that Usha Rani petitioner-accused accompanied Rajinder Singh to the complainant for taking the amount of policy and the said amount was deposited in the account of LIC after forgery by Rajinder and Usha in collusion with Manoj Atrishi. This application was filed to summon Usha Rani and Manoj Atrishi but the Court has dismissed the said application qua Manoj Atrishi. Perusal of the record especially the impugned order shows that two cheques amounting to ₹17126 and ₹12010/- in favour of LIC had been issued by the complainant. However, the said cheques were subsequently manipulated as cheques of ₹117126/- and ₹212010/- respectively and the amount was transferred from the accounts of complainants in favour of LIC. It is the allegation that husband-wife i.e. Rajinder Pal and Usha Rani withdrew an amount of ₹3,00,000/- fraudulently in connivance with

Manoj Atrishi. The allegations of complainant regarding collusion have been reiterated by the witnesses. The Court also discussed the statement of PW3 Manoj Atrishi. As per statement of this witness, BOC No.19873 for a sum of Rs.1,00,000/- regarding policy No.174276522 to 174276556 was issued in the name of Usha Rani. The account in which the amount has been deposited is also stated to be joint account of Rajinder and Usha Rani. In the revision petition, this Court is only to see whether the impugned order is illegal and not as per law. Perusal of the record shows that the impugned order is correct and no illegality has been committed by the learned Court below to summon a person on the application under Section 319 Cr.P.C. It should appear to the Court that the person so summoned is involved in the commission of offence and she should face trial alongwith the accused who is already facing the trial.

In view of the discussed evidence by the learned Court below, it appears that the petitioner Usha Rani is involved in the commission of offence and she should face trial alongwith the accused already facing trial. As such, the impugned order is correct and as per law and it does not require any interference by this Court.

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

15th January, 2015 **(INDERJIT SINGH)**
mamta **JUDGE**