

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRM-M 11946 of 2015 (O&M)

Date of decision: 30.03.2016

Pawan Prashar and others

.....Petitioners

versus

State of Union Territory of Chandigarh and others

.....Respondents

**CORAM: Hon'ble Mr.Justice Kuldip Singh**

Present: Mr.R.S.Bains, Advocate for the petitioners  
Mr.Sukan Gupta, Addl.P.P.UT Chandigarh  
for respondent No.1  
Mr.Vishal Aggarwal, Advocate for respondent Nos.2 & 3

- 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)**

The petition is against the order dated 15.12.2014 (Annexure P13), passed by the learned Judicial Magistrate 1<sup>st</sup> Class, Chandigarh, dismissing the application of the present petitioner under Section 216 Cr.P.C. for alternation of the charge in case FIR No.198 dated 25.5.2005. Also impugned is the order dated 1.4.2015 (Annexure P16), passed by the learned Additional Sessions Judge, Chandigarh, vide which the revision was dismissed.

Heard.

Lower court file was called for and examined. It comes out that originally, charge was framed on 15.4.2011. It was further

amended on 7.9.2013 so as to include the offence under Section 193 Cr.P.C. In the impugned order, the learned Magistrate, after considering the documents and the material on file, has taken the view that prima-facie forgery is not proved. Therefore, he refused to amend the charge so as to include the offence of forgery. The matter has already been examined in revision.

It being so, at this stage, this Court does not find any ground to interfere in the view taken by both the Courts below. However, since the learned counsel for the petitioner contends that there is sufficient evidence on file regarding forgery, he shall always be at liberty to argue at the time of final arguments that the offence of forgery is also made out and if the lower Court is of the view that there is sufficient material on file regarding the forgery, it shall always be open to the lower Court to amend the charge. The case is now stated to be fixed for defence evidence.

The petition is accordingly disposed of.

**30.03.2016**  
*gk*

**(Kuldip Singh)**  
**Judge**