

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-15002 of 2015

.....

Date of decision:7.9.2016

Dimple

.....Petitioner

v.

State of Haryana

.....Respondent

....

Present: Mr. Pawan Singh, Advocate for the petitioner.

Mr. Brijesh Sharma, Assistant Advocate General, Haryana for
the respondent-State.

.....

Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing/setting aside the order dated 13.5.2014 (Annexure-P.1) passed by learned JMIC, Gurgaon in case FIR No.68, dated 22.3.2014, Police Station Sector 17-18, Gurgaon.

Notice of motion has been issued in this case.

Mr. Brijesh Sharma, learned Assistant Advocate General, Haryana, has put in appearance on behalf of the respondent-State and contested this petition.

I have heard learned counsel for the petitioner and learned Assistant Advocate General, Haryana and have gone through the record.

From the record specially, the order passed by the learned Judicial Magistrate Ist Class, Gurgaon, I find that challan was presented

against four accused, namely, Ashutosh Dukshit, Dimple, Pardeep and Satender Singh under Section 160 IPC by Police Station Sector 17-18, Gurgaon. As per the impugned order dated 13.5.2014 passed by the learned Judicial Magistrate Ist Class, Gurgaon, during the pendency of the proceedings, the accused made confessional statements which were voluntary and free from coercion.

Learned counsel for the petitioner now argued that the accused/ present petitioner has not made any confessional statement. He also argued that voluntary statement was not recorded in the presence of the counsel for the accused. He argued that it has been recorded on the asking of the Reader of the Court.

Presumption of truth attaches to the Court proceedings and there is nothing on the record to support the arguments of the learned counsel for the petitioner. When during the proceedings in the open Court accused got recorded their statements admitting the guilt and only one of them has come in this petition before this Court, there is nothing on the record as to why the Court will compel the accused to make the confessional statement. I have seen the original record. Notice under Section 160 IPC was served and all the accused including the present petitioner pleaded guilty to the notice and have not claimed the trial. Even after that a separate joint statement of all the accused has also been recorded by the Court in which they have made the confessional statements. Whether the accused pleads guilty or not to the notice served upon him, is to be answered by the accused and not by the counsel. The learned Judicial Magistrate Ist Class,

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Gurgaon, has passed the impugned order as per law and no illegality has been committed by the Court below which require any interference from this Court.

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

September 7, 2016.

(Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No