

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

**(115)**

**CRM-M-18639-2016**

**Decided on: May 27, 2016.**

**Sahib Dayal**

**.... Petitioner**

**Versus**

**State of Haryana**

**..... Respondent**

**CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI**

Present: Mr. Amrik Singh Kalra, Advocate, for the petitioner.

**M.M.S. BEDI, J (ORAL)**

Order dated 17.08.2015 framing the charges against the petitioner, has been challenged before this Court.

I am of the considered opinion that order passed by the Magistrate framing the charges could have been challenged by a revision petition in case, the material forming part of the report under Section 173 (2) Cr.P.C had not constitute an offence. The petitioner having opted not to do so has approached this Court. It is admitted that three prosecution witnesses stand already examined.

On the basis of the evidence produced on the record and the material which constitute part of the report under Section 173 (2) Cr.P.C, if, the petitioner feels that a judicial impropriety has been committed by the trial Court by framing the charges, it will always be open to the petitioner to file an application under Section 216 Cr.P.C before the trial Magistrate at any stage of the trial.

The petition is liable to be dismissed as not maintainable.

Learned counsel for the petitioner at this stage seeks permission to withdraw the petition with liberty to avail the legal remedy, if any, available to him, including the remedy under Section 216 Cr.P.C.

The petition is disposed of as withdrawn with the liberty aforesaid.

**(M.M.S. BEDI)**  
**JUDGE**

**May 27, 2016**  
*harsha*