

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-2242-2016

Date of decision: January 21, 2016

Ajaib Singh & others

...Petitioners

Versus

State of Union Territory, Chandigarh

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. J.S. Mehndiratta, Advocate for the petitioners.

Rajan Gupta, J.

Petitioner has impugned two orders dated 8.12.2015 (Annexures P-10 & P-11), passed by Special Judge, Chandigarh, whereby application filed by the petitioners seeking direction for further investigation has been dismissed and charges have been altered.

Learned counsel for the petitioners submits that the court below has erred in passing the orders in question as the report under section 173 (8) Cr.P.C. presented against the petitioner is incomplete. He submits that as per various audit reports, no discrepancy was found in the accounts of the society. Thus, the impugned orders are liable to be set-aside.

I have heard learned counsel for the petitioner and given careful thought to the facts of the case.

Case was registered under sections 420, 467, 468, 471, 120-B IPC and Section 13 (1) (d) and 13 (2) of Prevention of Corruption

Act, 1988. Sections 406 and 201 IPC have been added later on. During pendency of trial, petitioners moved an application for issuance of direction for further investigation, which has been dismissed by the trial court. I am of the considered view that in the eventuality application is allowed and investigating agency is directed to conduct further probe, an anomalous situation is likely to be created and the proceedings would be never ending. Already court is seized of three reports under section 173 Cr.P.C. The court below has rightly placed reliance on the judgment rendered in *Vinay Tyagi vs. Irshad Ali @ Deepak and others, 2013 (2) R.C.R. (Criminal) 197*.

I find no legal infirmity with the impugned orders passed by the court below. The court below has rightly amended the charge in view of material available on record. Revision petition is, thus, without any merit and is hereby dismissed.

(RAJAN GUPTA)
JUDGE

January 21, 2016
'Rajpal'