

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

122

CRM-M-24312-2016 (O&M).

Gurdarshan Singh

.. Petitioner(s)

VERSUS

State of Punjab

.. Respondent(s)

* * *

CORAM:

HON'BLE MR.JUSTICE M.M.S.BEDI

* * *

PRESENT

Mr.Sukhpal Singh, Advocate, for the petitioner.

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

Petitioner claims that he is a senior assistant from the Department of Punjab Schedule Castes Land Development and Financial Corporation (Head Office), Chandigarh and was on deputation with Punjab State Commission for Schedule Castes, Chandigarh w.e.f. 2007 and remained on extension till 28.3.2015. He claims that the investigating officer had found him innocent and kept the name of petitioner in column No.2 and that after framing charges, the case is at the stage of recording of evidence. The investigating officer has already been examined.

Taking into consideration the totality of the circumstances, I am of the opinion that in view of order framing charges having not been challenged and the entire report under Section 173 (2) Cr.P.C., being not available with the Court, it will not be appropriate for this Court to exercise inherent jurisdiction under Section 482 Cr.P.C. The appropriate remedy for the petitioner at this stage would be to seek the benefit of doubt by raising all the pleas taken up in this petition, for getting an order of acquittal at the time of final arguments. The petition is disposed of as not maintainable.

Counsel for the petitioner prays that as the petitioner is not maintaining good health as such, his personal appearance should be exempted. It will always be open to the petitioner to file an application seeking exemption from personal appearance by approaching the trial Court and the circumstances pointed out by counsel for the petitioner might find favour with the trial Court.

(M.M.S. BEDI)
JUDGE

July 22, 2016.
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