

In the High Court of Punjab and Haryana at Chandigarh

.....
Criminal Misc. No.M-252 of 2016

.....

Date of decision:7.1.2016

Maninder Kaur

.....Petitioner

v.

State of Punjab

.....Respondent

....

Present: Mr. Sandeep Arora, Advocate for the petitioner.

.....

Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing of order dated 20.8.2015 (Annexure-P.5) of the learned Revisional Court i.e. Additional Sessions Judge, Tarn Taran upholding the order dated 28.5.2015 (Annexure-P.4) passed by the learned Additional Chief Judicial Magistrate, Tarn Taran rejecting the application of the petitioner filed under Section 91 Cr. P.C. seeking to summon the relevant record in the case FIR No.98 dated 30.5.2013 registered for the offences under Sections 420, 120-B, 467, 468 and 201 IPC at Police Station Sadar, Tarn Taran.

I have heard learned counsel for the petitioner and have gone through the record.

From the record, I find that the present petitioner, who is accused in the above said case filed application (Annexure-P.2) under Section 91 Cr.P.C. to summon the record i.e. the affidavit allegedly signed by the present petitioner and the application given to the Senior Superintendent of Police, Tarn Taran that alleged affidavit has not been signed by her and the inquiry report of S.P. (D) Tarn Taran etc. The learned

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Additional Chief Judicial Magistrate, Tarn Taran vide impugned order dated 28.5.2015 held that the case is fixed for consideration on charge and at the time of consideration on charge the documents of the accused cannot be seen and the application filed by the present petitioner under Section 91 Cr.P.C. was dismissed.

Aggrieved from this order revision petition was filed and the learned Additional Sessions Judge vide order dated 20.8.2015 after discussing the law laid down by the Hon'ble Supreme Court in State of Orissa v. Debendra Nath Padhi, (2005) 1 SCC 568, upheld the order passed by the learned Additional Chief Judicial Magistrate and dismissed the revision petition.

A perusal of the orders passed by the Courts below shows that these are correct and as per law. At the time of framing of the charge the documents of the accused are not to be seen. It is the defence version of the present petitioner that any inquiry has been held in her favour. This inquiry report etc. can be summoned at the later appropriate stage, but at the time of framing of the charge these documents cannot be considered. Therefore, the orders passed by both the Courts below, in no way, can be held as illegal, misuse or abuse of the process of law nor it can be held that these orders amount to miscarriage of justice.

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

January 7, 2016.

(Inderjit Singh)
Judge

hsp