

*IN THE HIGH COURT FOR THE STATES OF PUNJAB
AND HARYANA AT CHANDIGARH.*

Cr. Misc. M 32824 of 2016
Date of decision: 19.9.2016

Brij Mohan

Petitioner

VS.

State of Haryana and others

Respondent

Present: Mr. RS Rana, Advocate.

M.M.S.BEDI,J.

The petitioner is facing trial in a criminal case at Charkhi Dadri. FIR No. 55 dated 5.3.2015 u/s 380 IPC has been registered against him at P.S. City Dadri, District Bhiwani at the instance of Arun Kumar Ahlmad. The petitioner had filed an application for inspection, which was entered in the Inspection Register. When the petitioner was asked to sign on the Inspection Register, he had taken away the application for inspection, as such, he has committed theft.

Counsel for the petitioner submits that the petitioner is more than 70 years old, who has filed complaints against staff of the court before District and Sessions Judge, Bhiwani on 9.9.2015 (Annexure P-2) and Registrar, Punjab and Haryana High Court on 8.12.2015 (Annexure P-3), respectively, whereas the FIR has been registered on 5.3.2016. Charges were framed against the petitioner on 2.6.2016 for having committed theft of the documents from the court file, pertaining to the case titled **State vs. Brij Mohan** and having not signed on the Inspection Register in the custody of the public servant i.e Ahlmad.

It is contended by counsel for the petitioner that no document

pertaining to the court file in FIR No. 284 of 2014 is alleged to have been stolen by the petitioner. Counsel informs that after framing of charges, complainant has been examined on oath and has been cross-examined also.

Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the case with mala fide intention on account of he having filed complainants against the court staff. It has also been argued that legal procedure for launching prosecution has not been adopted. Procedural errors accompanied by the factual situation has been admitted by the witness in the cross-examination, therefore, no offence is made out against the petitioner.

After hearing counsel for the petitioner at length, I am of the opinion that in view of the stage of the trial, it will not be appropriate for this court to enter into the niceties of the trial to determine the culpability of the petitioner or procedural errors, pointed out by counsel for the petitioner.

The petition is disposed of, without expression of any opinion on merits of the case, with liberty to the petitioner to raise all the pleas of fact and law before the court of competent jurisdiction. It is expected that the matter would be fairly adjudicated upon, considering all the pleas raised by the petitioner, expeditiously.

September 19 ,2016
TSM

(M.M.S.BEDI)
JUDGE

Whether speaking/ reasoned

Yes/ No

Whether Reportable

Yes/ No