

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRM-M 3452 of 2014 (O&M)

Date of decision: 19.02.2016

Babu Singh

.....Petitioner

versus

The Shadihari Scheduled (Harizan) Caste Land Owning Society
through Joginder Singh

.....Respondent

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Tarunveer Vashisht, Advocate for the petitioner
Mr.A.S.Khaira, Advocate for the respondent

1. *Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
2. *To be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

Impugned in the present petition is order dated 10.4.2013, passed by the learned Judicial Magistrate 1st Class, Sunam vide which charges were framed against the present petitioner under Sections 420, 467, 468 IPC in complaint titled as The Shadihari Scheduled (Harizan) Caste Land Owning Society through Joginder Singh v. Babu Singh. Also challenged is order dated 10.10.2013, passed by the learned Additional Sessions Judge, Sangrur, vide which the revision filed by the present petitioner was dismissed.

I have heard learned counsel for the parties and have also carefully gone through the file.

The short point raised before this Court is that perusal of the complaint shows that the society filed a complaint through Joginder Singh. However, the complaint is admittedly signed by one Kashmira Singh, who is not alleged in the complaint to be authorized to sign the complaint. It is also not mentioned in the complaint that said Kashmira Singh is duly authorized by the society to file a complaint. However, a resolution is sought to be relied upon to claim that Kashmira Singh was also authorized. This point was not considered by the lower Court.

In the circumstances, the impugned order dated 10.4.2013, passed by the learned Judicial Magistrate 1st Class, Sunam and order dated 10.10.2013, passed by the learned Additional Sessions Judge, Sangrur, are set aside. Case is remanded to the trial Court with a direction to re-hear the arguments on the point of frame of charge and pass a fresh order on merits giving detailed reasoning particularly on the point whether complaint has been filed by the authorized person or not?

The petition stands allowed accordingly.

19.02.2016
gk

(Kuldip Singh)
Judge