

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

(134)

CRM-M-36732-2016

Decided on: October 17, 2016.

Rujdar

.... Petitioner

Versus

Pehlu and others

..... Respondents

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

Present: Mr. Dilpreet Singh, Advocate, for the petitioner.

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

This is a petition under Section 482 Cr.P.C invoking the inherent jurisdiction of this Court against the order dated 01.04.2016 passed by Additional Sessions Judge, Mewat in a private complaint “Rujdar Vs. Pehlu etc.” whereby revision petition filed by respondents No.1, 2 and 3 was partly allowed and it was ordered that respondent No.3 was not required to be summoned. Summoning order of respondent No.3 has been set aside inter alia on the ground that there is no evidence against respondent No.3. The petitioner is also aggrieved by the impugned order whereby the revisional Court has modified the summoning order by deleting Sections 420, 406 and 34 IPC. So far as respondents No. 1 and 2 are concerned pertaining to offence under Section 409 and 120-B IPC, the summoning order qua them was upheld.

I have heard learned counsel for the petitioner and gone through the record with his assistance and I am of the opinion that there

being no evidence against respondent No.3, produced by the complainant-petitioner, the revisional Court has rightly set aside the order summoning respondent No.3 as accused. So far as modification of the sections in the summoning order are concerned, the revisional Court appears to have entered into the controversy of appreciation of evidence at very initial stage.

Avoiding re-appreciation of preliminary evidence, I deem it appropriate to dispose of this petition without entering into the merits of the case with an observation that it is always open to the trial Court at any stage to re-frame the charges. In the present case, Sections 420, 406 and 34 IPC have been deleted and respondents No. 1 and 2 have been ordered to be summoned under Section 409 read with Section 120-B IPC. Circumstances of the present case warrant that the rights of the petitioner are safeguarded under Section 216 Cr.P.C. In case after production of some evidence on record, an application under Section 216 Cr.P.C is filed, it will be open to the trial Court to exercise powers under Section 216 Cr.P.C and pass any order in accordance with law.

So far as the order qua respondent No.3 is concerned, learned counsel for the petitioner seeks permission to withdraw the petition.

(M.M.S. BEDI)
JUDGE

October 17, 2016
harsha

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No