

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

**Crl. Misc. No.M-42576 of 2013
Date of decision : 27.01.2016**

Kuldeep Singh

.....Petitioner(s)

Versus

Veena Devi

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. S.S. Swaich, Advocate
for the petitioner.

Mr. RBS Chahal, Advocate
for the respondent.

ANITA CHAUDHRY, J.

This is a petition for quashing the charge framed against the petitioner on 23.11.2013 (Annexure P-9).

The counsel for the petitioner contends that in a complaint case, the petitioner was summoned and he was allowed bail and in a complaint case, the case should have been posted for cross-examination of the witnesses but without recording pre-charge evidence, the trial Court framed the charge and there is no order even of framing of charge.

The counsel appearing for the complainant concedes that charge could not have been framed and since it was a warrant trial, the witnesses examined by the complainant should have produced for the cross-examination and there should have been a specific order as to whether charge could be framed but it can be rectified and the Court can be directed to start the proceedings all over again.

The record of the case had been summoned. I find that after the accused had put in appearance, there is no order wherein the Court had observed that there was prima-facie grounds for framing the charge. The Court had framed the charge without giving an opportunity to the accused to cross-examine the witnesses. Therefore, the impugned order/charge sheet is set aside. The trial Court is directed to give opportunity to the accused to cross-examine the witnesses and then proceed in accordance with law.

The petition is allowed with above directions. The parties would appear before the Court concerned on 08.02.2016. Record be sent back expeditiously.

27.01.2016
sunil

(ANITA CHAUDHRY)
JUDGE