

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

**CRR No.1409 of 2015 (O&M)
Date of Decision: August 27, 2016**

Jagan Nath and others

...Petitioners

VERSUS

Jeet Ram and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Sunil Chadha, Senior Advocate with
Ms.Swati Verma, Advocate
for the petitioners.

Mr.L.S.Mann, Advocate
for respondent No.1.

Mr.Varun Sharma, Asstt. Advocate General, Punjab
for the respondent-State.

INDERJIT SINGH, J.

The present revision has been filed by the petitioner Jagan Nath and others under Section 401 Cr.P.C. against respondents Jeet Ram and State of Punjab, challenging the impugned order dated 10.02.2015 passed by learned Addl. Sessions Judge, SBS Nagar, vide which charges were framed under Sections 148, 506, 504, 323 IPC and Section 3(1) (X) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the petitioners.

Notice of motion was issued and learned counsel for respondent No.1 as well as learned State counsel appeared and contested the

revision petition.

At the time of arguments, learned counsel for the petitioners mainly argued on one point that the order dated 10.02.2015 passed by learned Addl. Sessions Judge, SBS Nagar is a non-speaking order.

After hearing learned counsel for the parties as well as learned State counsel and after going through the record, I find that at the time of framing of the charge, the Court is only to see whether from the documents on record, prima facie case is made out or not. At this stage, the Court is not to discuss the facts of the prosecution case and the evidence collected by the Investigating Officer in minute detail. Rather, the Court should not express any opinion on merits of the case at that stage. In the charge-sheet, which is placed on the record with the impugned order, the allegations have been mentioned. Therefore, only on this ground that order framing the charge is non-speaking, this order is not liable to be set aside as relevant allegations have been mentioned in the charge-sheet dated 10.02.2015.

Furthermore, the copy of the complaint has been placed on the record. The perusal of the complaint shows that complainant belongs to Adharmi community and accused belong to Hindu Gujjar community, which is a superior community. The wording has also been mentioned which is used regarding the caste of the accused in the complaint. There are also allegations regarding causing injuries and it is stated that complainant was medico legally examined and as many as five injuries have been found present on the person of the complainant. It is also in the complaint that accused while leaving the spot with their respective weapon threatened that they will eliminate him on later occasion.

Court is not to weigh the evidence for the purpose of conviction but only to see whether prima facie case is made out or not. It is also settled law that at the time of framing of the charge, the defence version of the accused is not to be looked into nor the documents of the accused are to be seen.

The perusal of the record shows that no illegality has been committed by learned Addl. Sessions Judge, SBS Nagar, while framing the charge by finding prima facie case.

In view of the above discussion, I find that the order dated 10.02.2015 passed by learned Addl. Sessions Judge, SBS Nagar, is correct, as per law and does not require any interference from this court.

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

August 27, 2016
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No