

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

Crl. Revision No.1331 of 2016 (O&M)
Date of decision: April 05, 2016

Jatin and another ...Petitioners

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Manjeet Singh, Advocate for the petitioners.

Rajan Gupta, J.

The petitioners have impugned order dated 9.2.2016, passed by Additional Sessions Judge, Jhajjar, whereby charges have been framed against them under sections 148, 149, 447, 307 IPC and Section 25 of the Arms Act.

Learned counsel for the petitioners has contended that petitioners have not committed any crime. He submits that as per investigation conducted by DSP, Headquarter, Panipat, no offence under section 307 IPC was made out and Section 308 IPC was added erroneously by way of supplementary report under section 173 (8) Cr.P.C. Thus, the order framing charge is liable to be set-aside.

I have heard learned counsel for the petitioners and given careful thought to the facts of the case.

While hearing the accused on the question of charge, the court below observed that pursuant to report under section 173 Cr.P.C. as

well as accompanied documents and the allegations levelled, a prima facie case under sections 148, 149, 447, 307 IPC and 25 of the Arms Act are made out against the accused. It is apparent that at the time of framing charge, the court is not to minutely scrutinize the entire evidence to find out as to if conviction can be recorded or not. Finding a prima facie case to put the accused on trial, the court below framed charges against the petitioners.

Learned counsel has not been able to show any legal infirmity with the order passed by the court below. It is settled law that at the time of framing of charge, in-depth analysis of evidence is not necessary. The plea raised by the petitioners in the present petition is essentially factual in nature which can be examined by the trial court after evidence is led before it. I, thus, do not find it a fit case for interference in revisional jurisdiction. The petition is hereby dismissed.

(RAJAN GUPTA)
JUDGE

April 05, 2016
'Rajpal'