

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

Crl. Revision No.4540-2015
Date of decision: May 05, 2016

Bablu @ Kulwant Singh ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. M.S. Joshi, Advocate for the petitioner.

Rajan Gupta, J.

The petitioner has impugned order dated 06.10.2015, passed by Sub Divisional Judicial Magistrate, Ratia, whereby application under section 239 Cr.P.C. for discharging him has been dismissed and charges under sections 420, 467 and 468 IPC have been framed against him.

Learned counsel for the petitioner submits that petitioner has not committed any crime and was implicated in a false case. Petitioner was a Class-IV employee and alleged recovery of stamp is false and fabricated, thus, no case is made out against the petitioner. Thus, the order is liable to be set-aside.

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

While hearing the accused/petitioner on the application under section 239 Cr.P.C., the court below observed that at the stage of framing charge, only prima facie case is to be seen and from documents

attached with the report under section 173 Cr.P.C., particularly disclosure statements and demarcation memo prepared at the time of arrest of accused, there is sufficient material to proceed 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 has rightly framed charges against the petitioner. Learned counsel has not been able to show any legal infirmity with the order passed by the court below. The plea raised by the petitioner 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

May 05, 2016
Rajpal'