

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRR 4506 of 2016

Date of Decision: December 5, 2016

Gulshan and another

.....Petitioners

Vs.

State of Haryana

.....Respondent

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

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Present:- Mr.V.K. Gupta, Advocate
for the petitioners.

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

This is a petition challenging the order framing charges under
Section 302 IPC.

Learned counsel for the petitioners has referred to the ocular
and medical evidence in support of his contention that prima facie the
offence under Section 302 IPC is not made out as none of the injuries
attributed to the petitioners is sufficient enough to cause death and that the
intention is also not established. It is urged by counsel for the petitioners
that even if the allegations are presumed to be true still no offence is made
out.

I have heard learned counsel for the petitioners and I am of the opinion that appreciation of evidence to determine prima facie the charge which is required to be framed will not be appropriate at this stage as the trial Court has always got a jurisdiction under Section 221 (2) Cr.P.C. to consider the circumstances and pass appropriate order qua the accused for an offence for which he is not charged. Even the provisions of Section 216 Cr.P.C. permit any Court at any stage to alter any charge before the judgment is pronounced.

In view of the above said legal remedy available to the petitioners, this revision petition is disposed of as not maintainable with liberty to the petitioners to avail the alternative remedy available to them at an appropriate stage, if so advised.

December 5, 2016
sanjay

(M.M.S.BEDI)
JUDGE

Whether speaking/ reasoned:	Yes/ No.
Whether Reportable:	Yes/No.