

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

**Crl. Misc. No. M-26879 of 2016 (O&M)
Date of Decision: July 14, 2017**

Jasvir Singh

.....PETITIONER(s).

VERSUS

State of Punjab

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Satbir Gill, Advocate
for the petitioner (s).

SURINDER GUPTA, J.

This is petition under Section 482 of Criminal Procedure Code seeking quashing of order dated 02.11.2015 passed by learned Additional Sessions Judge, Sri Muktsar Sahib.

Heard.

Vide order dated 22.07.2015, passed by the trial Court, the petitioner was charge-sheeted for the offences punishable under Sections 188, 506 of Indian Penal Code (for short IPC). He filed revision and learned Revisional Court below vide order dated 02.11.2015 accepted the contention of learned counsel for the petitioner that framing of charge against the accused for the offence punishable under Section 188 IPC was not within the competence of learned Magistrate in the absence of any complaint by District Magistrate, Sri Muktsar Sahib. With these

observations, the record of the trial Court was returned and parties were directed to appear before the learned trial Court and a direction was issued to frame fresh charge against the accused/petitioner.

Perusal of the order dated 02.11.2015 passed by learned Additional Sessions Judge, Sri Muktsar Sahib shows that only contention raised in the Court of revision was non-sustainability of charge under Section 188 IPC. This contention was accepted and the charge framed under Section 506 IPC was neither assailed nor the order of the learned trial Court framing the charge for offence punishable under Section 506 IPC was set aside. The consequent result of order dated 02.11.2015 is that the petitioner will face the trial for offence for which he has been charged by the trial Court or as per the amended charge-sheet framed by the trial Court, as per the evidence of prosecution.

Consequently, this petition seeking quashing of order dated 02.11.2015 passed by learned Additional Sessions Judge, Sri Muktsar Sahib is without any merits and the same is dismissed.

July 14, 2017
Jyoti-II

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No