

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

Criminal Misc. No.M- 32827 of 2017(O&M)

Date of Decision: September 22 , 2017.

Sanjeev PETITIONER (s)

Versus

U.T. Chandigarh RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Kamal Jit Rana, Advocate
for the petitioner.

Mr. Gautam Dutt, APP, U.T.

LISA GILL, J.

Prayer in this petition is for quashing of order dated 03.08.2017 passed by the learned Additional Sessions Judge (Special Court), Chandigarh in FIR No.231 dated 21.08.2016 under Sections 363/366/376 IPC.

It is submitted that the impugned order has been passed primarily on the ground that there is nothing on record to show the source from which the CCTV coverage stored in the Pen Drive has been obtained. Though learned counsel for the petitioner concedes that this fact was not brought to the notice of the learned trial court, coverage in question was obtained from the Civil Hospital, Gharaunda (Karnal) itself. Para 3 of the affidavit dated 08.09.2017 (Annexure P8) filed by the petitioner reads as under:-

“3. That now deponent want to clarify that on 23.08.2016, Dhirender Partap s/o Lakhami Chand (Brother of the petitioner)

along with one person namely Sh. Sourav Goyal s/o Not known (software expert), having shop namely Computer world at Vishavkarma Chowk, Railway Road, Gharunda, visited the office of S.M.O. (Dr.Kulbir) of CHC Gharunda, Karnal and apprised him about the FIR lodged against the petitioner and on request S.M.O. Send both of them to computer room and under the supervision of one hospital officials, thereafter cctv footage of dated 19.08.2017 was copied/stored in the pen-drive and handed over by Dr. Kulbir, which is sought to be placed on record by the deponent and to further examination of same from the expert or officials from the same hospital, through application dated 27.07.2017 (Annexure P7).

Learned counsel for the respondent – Union Territory, Chandigarh, without commenting on the credibility/genuineness or otherwise of the averments, fairly states that in view of this affidavit, the matter may be remanded back to the learned trial court to consider the matter afresh.

In view of the specific stand of learned counsel for Union Territory, Chandigarh, order dated 03.08.2017 passed by the learned Additional Sessions Judge (Special Court), Chandigarh is set aside and the matter is remanded to the learned trial court to decide the same afresh in accordance with law.

Disposed of accordingly.

It is clarified that there is no expression of opinion on the merits of the case including the effect or otherwise of affidavit dated 8.9.2017(Annexure P8) which shall be decided by the learned trial court in accordance with law.

September 22 , 2017.
'om'

(LISA GILL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No