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

CRM-M-4609 of 2017

Date of decision: July 31, 2017

Sudha Chopra and others

.....Petitioners

Versus

Surjit @ Bholi and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present: Mr. Ankur Bansal, Advocate for the petitioners.

Mr. Vikasdeep Singh, Advocate for respondent No.1.

Mr. Ramandeep Sandhu, Sr. DAG Punjab.

A.B. CHAUDHARI, J (Oral)

Heard learned counsel for the rival parties.

There is a challenge to the charge framed against the petitioners, by the lower Court for the offence under Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The principal ground that is raised is about certificate of validity of caste of the complainant to be issued in terms of judgment of Supreme Court in the case of **Kumari Madhuri Patil vs Addl. Commissioner**, 1994 SCC (6) 241. In my opinion, whether such a certificate is necessary or is issued by the competent authority or not is a matter to be decided in trial after giving opportunity to the prosecution and accused. At this stage, it is not possible to record any finding about the caste of the victim.

Petition stands disposed of reserving all points open to be raised before the trial Court.

(A.B. CHAUDHARI)
JUDGE

July 31, 2017
mahavir

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No