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

CRM-M-8413 of 2017 (O&M)
Date of decision: May 03, 2017

Surinder Nagpal

.....Petitioner

Versus

U.T., Chandigarh and others

.....Respondents

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

Present: Mr. Rajiv Kataria, Advocate for the petitioner.

Mr. Sukant Gupta, Addl. P.P. U.T., Chandigarh.

Mr. K.S. Sandhu, Senior Advocate with

Mr. H.S. Jugai, Advocate for respondents No.2 and 3.

A.B. CHAUDHARI, J (Oral)

Heard learned counsel for the rival parties at length.

What is under challenge is an order dated 04.03.2017 (Annexure P-9) made by the learned trial Court declining to amend the charge in exercise of power under Section 216 of Code of Criminal Procedure, 1973 by adding Section 469 of the Indian Penal Code, 1860 (for short 'IPC') and the words relating to the receipt.

Learned counsel for the petitioner fairly states that incorporation of charge under Section 469 IPC is not called for and therefore, it was wrongly sought before the trial Court and the prayer to that effect is not being pressed.

Hence, the statement is accepted.

The second submission made by the learned counsel for the petitioner is that the charge framed on 11.10.2010 does not contain the

specific word regarding the original receipt in respect of which the petitioner is alleging forgery by the accused persons and therefore, the words in relation to the receipt is required to be incorporated in the original charge.

I have perused the charge framed on 11.10.2010. I quote the following from the charge:-

“That on 9.6.2005 at Chandigarh you the above said accused persons to do an illegal act with illegal means to wit to get the sale deed registered on the basis of fake papers regarding 1/3rd share of portion of plot No.99, I.A., Phase I, Chandigarh which was legally in the name of Surinder Nagpal and you both the accused persons got prepared the sale deed regarding the above said portion of Surinder Nagpal without his knowledge and consent and by using the GPA and thereby you have committed an offence punishable under Section 120-B of IPC and within my cognizance.”

The trial Court has also observed with reference to the above framing of charge that the charge indeed was framed in relation to the fake papers. The attempt of the learned counsel for the petitioner that the said words of “fake papers” relate to only 1/3rd share of the portion of the plot of Sanjeev Nagpal, in my opinion, is misconceived. The charge as framed is perfect and does not require any amendment.

In the result, the petition stands dismissed.

(A.B. CHAUDHARI)
JUDGE

May 03, 2017
mahavir

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No