

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

CRR No.1886 of 2017 (O&M)
Date of Decision: May 31, 2017

Rampal and others

...Petitioners

VERSUS

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Raj Kumar, Advocate for
Mr.Varun Gupta, Advocate
for the petitioners.

INDERJIT SINGH, J.

The present revision has been filed by the petitioners Rampal, Bahadur Singh and Prem Devi against respondent State of Haryana, challenging the impugned order dated 03.05.2017 passed by learned Addl. Sessions Judge, Narnaul, vide which the charge under Sections 186, 332, 333, 506 IPC all read with Section 34 IPC and Section 353 IPC has been framed against the petitioners.

I have heard learned counsel for the petitioners and have gone through the record.

From the record, I find that learned trial Court has framed the charge against the petitioners under Sections 186, 332, 333, 506 IPC all read with Section 34 IPC and Section 353 IPC. Learned counsel for the petitioners argued that there is no evidence to frame charge under Section

333 read with Section 34 IPC. He has not argued anything whether other charges under Sections 186 IPC etc. are made out or not.

The Court after the presentation of challan and after going through the record, committed the case to the Court of Session and learned Addl. Sessions Judge, Narnaul, framed the charges under Sections 186, 332 IPC etc. At this stage, nothing has been shown as to how the offence under Section 333 IPC is not made out. No documents have been placed on record nor copies of statements of witnesses are on record to show that no offence under Section 333 IPC is made out. It is specifically written that during enquiry got conducted by DSP Headquarter, the offence under Section 333 read with Section 34 IPC has been added. Even the opinion of the doctor qua the injuries has not been placed on record. Therefore, at this stage, in no way, it can be held that no offence under Section 333 IPC is made out against the petitioners.

Otherwise also, if the petitioners are aggrieved from the framing of charge under Section 333 IPC only and not under other Sections, at any appropriate stage, if any evidence comes, the petitioner can file the application for amendment of the charge before the trial Court to show that such offence is not made out.

Therefore, finding no merit in the present petition, the same is dismissed.

May 31, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No