

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.110

CRR No.224 of 2017 (O&M)

Date of decision: 24.01.2017

Harmanjeet Singh

....Petitioner

versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. R. S. Bains, Advocate, for the petitioner.

* * *

DEEPAK SIBAL, J. (Oral)

The present revision petition has been referred at the behest of the petitioner to challenge therein order dated 09.11.2017 passed by the trial Court amending the charges against the petitioner.

Learned counsel for the petitioner *inter alia* submits that through order dated 10.11.2014, the trial Court had charged the petitioner for having caused the death of one Nave Bharat on 28.03.2014 due to rash and negligent driving on the petitioner's part; in the trial which ensued it was *inter alia* the case of the petitioner that the alleged accident could not have taken place on 28.03.2014 as prior to that date, the dead body of the deceased Nave Bharat was in the Mortuary of Civil Hospital, Hoshiarpur and that after the evidence have been led by both the parties and even final arguments had been heard, the trial Court through the impugned charge has altered the earlier charge to the effect that the accident which was earlier alleged to have been caused by the petitioner on 28.03.2014 was now allegedly caused by him on 27.03.2014.

Learned counsel for the petitioner further submits that the matter is listed before the trial Court today and it is likely that the final order in the same would also be pronounced today itself.

It is not disputed that against the impugned order, the petitioner has an efficacious alternate remedy of filing a revision petition before the Sessions Court under Section 397 of the Code of Criminal Procedure, 1973.

That being so, without commenting on the merits of the matter lest it may prejudice either parties, the petitioner ought to be relegated to the afore-noted remedy which is available to him.

I, order accordingly.

Enabling the petitioner to file the revision petition against the order impugned in the present petition within one week from today, the trial Court is directed not to pass the final order in the pending trial, if it already has not been passed, for 10 days from today.

The present petition is disposed of accordingly.

A copy of this order be given to the learned counsel for the petitioner under the signatures of the Bench Secretary.

(DEEPAK SIBAL)
JUDGE

January 24, 2017
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(i)	Whether speaking/reasoned	Yes/No
(ii)	Whether reportable	Yes/No