

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

CRM-M-18136-2018

Date of Decision:-11.07.2018

Sonia

...Petitioner

Versus

Shekhar Wadhwa and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE RAMENDRA JAIN

Present:- Ms. Savita Bhandari, Advocate
for the petitioner.

RAMENDRA JAIN J.(Oral)

As per office report, notices issued to respondents No.1 to 4 and 5 have been received back served, but none has appeared on their behalf. Notice sent to respondent No.6 has been received back with the report of refusal and the same has been affixed at his home. Despite service nobody is present to represent respondents No.1 to 6. Hence these respondents are proceeded ex-parte.

Through this petition under Section 482 Cr.P.C. rectification of the charge-sheet has been sought by the petitioner.

Learned counsel for the petitioner contends that respondent No.4 who is husband of the petitioner, fraudulently procured ex-parte decree for Restitution of Conjugal Rights and ex-parte divorce decree as well

against the petitioner in connivance with the process server by procuring false report of service of the petitioner and munadi, which on challenge were set aside. The Process Server was dismissed from his service for his above mis-conduct. Thereafter the petitioner filed a complaint under Sections 166, 167, 201, 218, 420, 427, 465, 467, 468, 471 and 120-B IPC against the respondents, in which after summoning them, a charge-sheet against all the accused clubbing their distinct offences was framed. The trial Court has erred in doing so, because it was required to frame specific charges against each accused independently, not consolidating his offence with the other accused, who had no role for the same offence. Every respondent-accused was liable to be charge-sheeted with specific date and charge against him.

In view of above, the impugned order dated 20.1.2018 is set aside with a direction to the trial Court to re-frame the charge-sheet against the respondents afresh with specific date, time and allegations independently to each other.

Disposed of.

July 11, 2018
Vijay Asija

(**RAMENDRA JAIN**)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No