

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

CRM-M-29953-2018

Date of decision: 18.07.2018

Surinder Kaur and others

....Petitioners

Versus

Tajinder Singh and another

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. A.S. Gill, Advocate
for the petitioners.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for setting aside the order dated 09.05.2018 passed by the Additional Sessions Judge, Jalandhar (Annexure P-7), vide which the revision petition filed by respondent No.1 has been allowed and the order dated 14.02.2017 (Annexure P-5) passed by the Judicial Magistrate 1st Class, Jalandhar, declining to frame charge under Section 354 of the Indian Penal Code (for short 'IPC'), was set aside and a direction has also been issued to the trial Court to pass a fresh order in view of the fact that revisional Court has prima facie held that offence under Section 354 IPC is made out.

Learned counsel for the petitioners submits that the findings recorded by the revisional Court in para 7 of the impugned order (Annexure P-7) that the trial Court is directed to pass a fresh order on the application

filed under Section 216 Cr.P.C. for addition of charge under Section 354 IPC in the light of observations made in this order and the same would be binding on the trial Court to frame charge under Section 354 IPC and in such eventuality, the trial Court, while passing the fresh order, will not re-evaluate the allegations levelled in the FIR, statement made under Section 166 Cr.P.C. and the statement of the complainant-PW4 independently.

After hearing learned counsel for the petitioners, I dispose of the present petition with a direction to the trial Court that while passing a fresh order on the application filed under Section 216 Cr.P.C., whether the charge under Section 354 IPC is made out or not, the trial Court will not be influenced by the observations made in the order dated 09.05.2018 (Annexure P-7) passed by the revisional Court and will pass the order independently, in accordance with law.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

18.07.2018
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No