

In the High Court of Punjab and Haryana at Chandigarh

Crl. Misc. No. M-33644 of 2018

Date of Decision: 25.10.2018

Divya @ Dinesha

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Ashish Gupta, Advocate
for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana.

Mr. D.S.Matya, Advocate
for respondents No. 2 and 3.

ANITA CHAUDHRY, J (ORAL)

The petitioner has challenged the order dated 5.7.2018
(Annexure P-2) passed by the Additional Sessions Judge.

Counsel for respondents No. 2 and 3 submits that he has no
objection if the petition is allowed and the application filed by the petitioner
is decided first.

A perusal of the impugned order shows that the complainant
had filed an application for addition of charge under Sections 493, 495 and
496 IPC. The trial Court without deciding the application posted the case
for final hearing. If the additional charge has to be framed then the trial
Court would be obliged to give an opportunity to the prosecution to lead
additional evidence. The Court could not have posted the case directly for
final arguments.

The order dated 5.7.2018 is set aside. The trial Court is directed to decide the application filed by the complainant first and then proceed as per law.

The petition is allowed.

(ANITA CHAUDHRY)
JUDGE

October 25, 2018

Gurpreet

Whether speaking/reasoned	:	Yes
Whether reportable	:	No