

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

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**CRM-M No. 41443 of 2016
Date of decision : 13.11.2018**

Ramavtar Yadav and another**.....Petitioners****v.****State of Haryana and another****.....Respondents****CORAM HON'BLE MR. JUSTICE FATEH DEEP SINGH**

Present:- Mr. Bipan Ghai, Senior Advocate with
Mr. Vishwajeet Virk, Advocate, for the petitioners

Mr. Nischal Mann, DAG, Haryana

Mr. Gautam Dutt, Advocate, for respondent No.2

FATEH DEEP SINGH, J. (Oral)

This petition under Section 482 Cr.P.C. has been preferred by accused-petitioners Ramavtar Yadav and his son Ravinder Yadav, wherein they have sought to lay challenge to order dated 15.10.2016 (Annexure P-6), passed by the Court of learned Additional Sessions Judge, Gurugram, whereby while adjudicating on the revision, filed by complainant Rattan Singh against the present petitioners, who were respondents, regarding framing of charge had passed the following orders :

“**18.** In these circumstances, the revision petition is allowed. Impugned order of learned trial Court limiting framing of charge under Sections 354A, 323, 506 IPC only is set aside. Learned trial Court is directed to hear the arguments on charge as per the observations made in this order and then finally frame charge against the accused persons or go further in accordance to law. The matter is sent back to the learned trial Court to proceed with trial immediately.”

The lone contention raised by learned counsel for the petitioners is

that by such an observation in the impugned findings of the Court below, there is every likelihood that the trial Court would frame charges accordingly and which is sought to be controverted with much vehemence on behalf of the respondent-State as well as counsel for the complainant.

After going through these submissions, it is a pure matter of interpretation of the language used in the impugned order, which has given rise to this imbroglio between the parties. Thus, to remove any element of misunderstanding in the mind of the accused and their apprehension of prejudice by the trial Court in framing the charges, it would suffice to hold and direct the Court below that it would go as per the observations contained in paragraphs No.17 and 18 of the impugned judgment, considering the settled preposition of law, based on the evidence collected and placed in the challan under Section 173 Cr.P.C., and would proceed ahead in the matter in framing of charges and shall in no manner be prejudiced by the findings given by the Revisional Court below.

Disposed of in above terms.

(FATEH DEEP SINGH)
JUDGE

13.11.2018

Ashwani

Speaking/Reasoned
Reportable

Yes/No
Yes/No