

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M- 48601 of 2017 (O&M)

Date of decision : 26.9.2018

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Deepak

.....Petitioner

vs.

State of Haryana and another

.....Respondents

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Shalender Mohan, Advocate
for the petitioner.

Mr. Gaurav Bansal, AAG, Haryana.

Mr. Tapan Yadav, Advocate for respondent No.2.

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H. S. Madaan, J.

While facing trial by Judicial Magistrate Ist Class, Narnaul, in case FIR No. 3 dated 20.1.2017, for offences under Sections 498-A, 406, 506 IPC, registered at Police Station Women, Narnaul, accused Deepak, moved an application under Sections 190, 91 and 311 Cr.P.C., for summoning of certain documents from the police authorities, with regard to the enquiry conducted. That request was opposed by the State counsel. Learned Judicial Magistrate Ist Class, Narnaul, vide order dated 10.10.2017, came to the conclusion that at the time of framing of charges, the Court is to frame charges on the basis of documents attached with the police report submitted under Section 173 Cr.P.C. and no material/evidence beyond that can

be looked into, thereby dismissing the application so moved by the accused.

Accused preferred the revision petition against that order before the Court of Sessions, which was assigned to Additional Sessions Judge, Narnaul, who vide order dated 28.11.2017, did not find any illegality or infirmity with the impugned order passed by the trial Court, as such while affirming the said order, dismissed the revision petition.

Still feeling dissatisfied, the petitioner has knocked at the door of this Court, by way of filing the present criminal petition under Section 482 Cr.P.C., notice of which was given to the respondents, who have put in appearance contesting the said petition.

I have heard, learned counsel for the petitioner, learned State counsel assisted by learned counsel for the complainant-respondent No.2, besides going through the record.

I find that the orders passed by the Courts below are well reasoned, based upon proper appraisal and appreciation of evidence and correct interpretation of law. There is no occasion to exercise the powers under Section 482 Cr.P.C. to upset such orders. Therefore, finding no merit in the petition, the same stands dismissed.

26.9.2018
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(H.S. Madaan)
Judge

Whether speaking / reasoned Yes / No

Whether reportable Yes / No