

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

**CRR No. 2724 of 2017 (O&M)
DATE OF DECISION :- August 13, 2018**

Rohit Kumar

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Mr. Johan Kumar, Advocate for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

Mr. Vaneet Soni, Advocate for respondent no.2.

This Revision Petition is directed against the charge sheet/order of charge dated 10.5.2017 passed by Additional Sessions Judge, Faridabad vide which charge for offences under Sections 306 IPC and Sections 3(i)(r), 3(i)(s), 3(i)(w), 3(ii)(v) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 has been framed against the accused.

Briefly stated the facts of the case as per prosecution story are that complainant Udyavir son of Durga Prashad, resident of Bharat Colony, Faridabad had submitted a complaint addressed to SHO, Railway Police, Faridabad stating therein that he had a daughter by name of Ritu, who was a student of 12th standard, that Rohit son of Murari living in their neighbourhood used to tease his daughter while she was on her way to school and he forced her to go with him on tour. That resulted in causing

exchange of hot words between the two families. According to the complainant he tried to make Murari and his son Rohit seen reason, however, Ritu was in tension as who 2-3 days earlier, Rohit while touching her hands had said that he would marry her. Ritu told the entire thing to her father. She was in depression since then and was feeling insulted.

According to the complainant, he and his wife consulted Ritu. At night time he met with Murari, his wife Roshni and his son Rohit, however, they tried to hold him responsible stating that “Tum Khatik Kamine ho” whereas they were Brahmins and could not marry their son with daughter of the complainant. On 9.2.2017 while Ritu left home early in the morning the complainant came to know that a dead body was lying on railway track he went there and found that dead body was of his daughter Ritu. Interalia in the complaint, the complainant submitted that his daughter Ritu had committed suicide due to harassment caused by Rohit and his parents, as such necessary action be taken.

On the basis of complaint formal F.I.R. was registered. The investigation in the case started. Accused was arrested. After completion of investigation and other formalities, the challan against the accused was prepared and filed in the Court. After making consideration charge for offences under Sections 306/34 IPC, 3(i)(r), 3(i)(s), 3(i)(w), 3(ii)(v) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 was framed against Rohit Kumar accused.

Rohit Kumar has challenged the order framing charge and charge sheet served upon him by way of filing the present Revision Petition, notice was given to the State of Haryana, which appeared through the

counsel.

I have heard learned counsel for the petitioner, learned counsel for respondent no.2 and learned State counsel besides going through the record.

The main thrust of arguments of learned counsel for the revisionist is that ingredients of the offences for which petitioner has been charged are not fulfilled, however, the trial Court in a casual manner has framed the charge against the accused without their being sufficient material on record to justify it. Therefore, by way of acceptance of revision petition, the order framing charge and charge sheet upon the revisionist be set aside, Whereas learned State counsel assisted by learned counsel for the complainant has contended that sufficient material was there warranting framing of formal charge and no fault can be found with the order framing charge and charge sheet.

After hearing the rival contentions, I find that there is absolutely no merit in the Criminal Revision Petition.

Chapter XVIII of the Code of Criminal Procedure, 1978 deals with trial before a Court of Sessions. Section 227 under this Chapter deals with Discharge providing that if upon consideration of the record of the case and the documents submitted therewith and after hearing the submission of the accused and the prosecution in this behalf, the Judge considers that there is not sufficient ground for proceeding against the accused, he shall discharge the accused and record his reasons for so doing. Whereas, Section 228 deals with framing of charge, which provide that if after such consideration and hearing as aforesaid, the Judge is of opinion

that there is ground for presuming that the accused has committed an offence which is exclusively triable by the Court he shall frame in writing a charge against the accused. Thus it comes out that the test for framing of charge is sufficient ground for proceeding further and at that time it is not to be seen as to whether the trial shall end in acquittal or conviction. The law is well settled that charge can be framed on the basis of strong suspicion even.

In the instant case, petitioner is specifically named in the F.I.R. and criminal acts attributed to him therein do point out towards abetment to suicide. Stalking a minor girl, going to the extent of touching her hand then passing castiests remarks come within four corners of abetment. Whether abetment is made out or not is to be seen by the trial Court on the basis of evidence adduced by the prosecution but as the things stand it cannot be said that there is no material disclosing abetment of suicide attributed to the petitioner.

Counsel for revisionist has referred to authorities like Chitresh Kumar Chopra versus State (Government Of NCT OF Delhi) (2009) 16 Supreme Court cases, 605, Sajjan Kumar versus Central Bureau of Investigation (2010) 9 Supreme Court Cases 368, Narinder Singh @ Bablu versus State of Haryana 1997(2) HLR 288 by a coordinate Bench of this Court, Jagdev Singh @ Jaggi versus State of Punjab 2010 (4) R.C.R. (Criminal) 478 by a coordinate Bench of this Court, S.S. Chheena versus Vijay Kumar Mahajan and another 2010 (4) Crimes 101 by the Apex Court, Gurcharan Singh versus State of Punjab 2017 (1) R.C.R. (Criminal) 118 by the Apex Court in support of his contentions that offence of abetment to

suicide is not disclosed against the petitioner and the charge has been framed against him by the trial Court without sufficient material being there.

However, in this case the trial Court in view of the material available has framed the formal charge not finding any reason to discharge the accused.

On his part, learned counsel for the complainant has also referred to authorities. 1st being Asian Resurfacing of Road Agency Private Limited and another versus Central Bureau of Investigation 2018 (5) SCALE 269 wherein it was observed that order framing charge may not be held to be purely an interlocutory or can in a given situation be interfered with under Section 397(2) Cr.P.C. or Section 482 Cr.P.C. or Article 227 of the Constitution of India which is the constitutional provision but the power of the High Court to interfere with an order framing charge and to grant stay is to be exercised only in an exceptional situation.

With regard to essential ingredients for offence under Section 3 of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, the acts attributed to the petitioner as per prosecution case do come within the four corners of various eventualities provided under Section 3 of the said Act. Thus the Criminal Revision Petition is bound to fail and is dismissed accordingly.

(H.S. MADAAN)
JUDGE

August 13, 2018
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No