

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRR No. 4636 of 2017 (O&M)

Date of decision : 24.5.2018

...

Chander Kanta

.....Petitioner

vs.

State of Punjab

.....Respondent

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

Present: Ms. Ritu Punj, Advocate
for the petitioner

...

H. S. Madaan, J.

This revision petition is directed against order dated 3.10.2017 passed by Additional Chief Judicial Magistrate, Ludhiana, vide which charge has been framed against petitioner Chander Kanta for offences under Sections 420, 465, 467, 468, 471, 201 IPC read with Section 120-B IPC.

Briefly stated facts of the case, as per the prosecution story are that accused Chander Kanta entered into a conspiracy with her co-accused and forged and fabricated a Will dated 15.10.1991 purportedly executed by Bachan Singh in favour of Mohinder Singh etc., in order to dis-entitle the complainant from the property and then mutation was got sanctioned on the basis of that Will. Subsequently,

the Will was destroyed. The petitioner is stated to have derived benefit out of entire illegal transaction. She has been charge sheeted by the Court. Learned Additional Chief Judicial Magistrate, while framing the charge against the accused had passed the following order :-

“Arguments on charge heard and considered.

On perusal of report u/s 173 Cr.P.C. and documents attached thereto, prima-facie, there is sufficient evidence to frame charge against the accused u/s 420, 465, 467, 468, 471, 201 IPC read with Section 120-B IPC. Detailed expression of opinion is avoided as it is no longer necessary at this stage in view of law laid down by Hon'ble Supreme Court in **Kanti Bhadra Shah vs. State of West Bengal AIR 2000 S.C. 522** and reiterated in **Lain Parshad @ Laluj Paishad Yadav vs. State of Bihar through CBI 2007 (1) RCR (Criminal) 365.**

Charges be framed accordingly.”

He was not required to give detailed reasoning for framing of charge and he has in fact not done so. The law is well settled that charge can be framed on the basis of strong suspicion even. After going through the file it is found that the trial Court had recorded its subjective satisfaction that prima facie there is sufficient evidence to frame charge against the accused. After perusing the record I do not see any reason to disagree with him in this regard.

I do not find any illegality or infirmity in the impugned order, much less apparent on the face of the order. Therefore, no reason is there to interfere with the impugned order by exercising the revisional jurisdiction. Therefore, the revision petition being without any merit stands dismissed.

24.5.2018
chugh

(H.S. Madaan)
Judge

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