

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

CRR-4698-2017(O&M)

Date of Decision: 22.11.2018

Gajender @ Gautam

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. N.S.Shekhawat, Advocate with
Mr. Sahil Gupta, Advocate
for the petitioner(s).

Mr. P.P.Chahar, DAG, Haryana.

JAISHREE THAKUR, J. (Oral)

CRM-38320-2018

This is an application under Section 482 Cr.P.C. for placing on record Annexure P-7 to P-9, the same is allowed and Annexure P-7 to P-9 are taken on record.

CRR-4698-2017

This is a revision petition that has been filed seeking to challenge the framing of charges pursuant to a report received under Section 173 Cr.P.C. under Section 306 IPC.

Learned counsel for the petitioner seeks to challenge the said charges *inter alia* on the grounds that without the opinion of the medical expert as to the cause of death and the FSL report before the court, the said charges could not have been framed.

Notice of motion was issued in the said matter. Appearance has been caused on behalf of the respondent-State to submit that the petitioner

herein has a remedy to challenge the charges instead of approaching this court directly.

During the pendency of these proceedings an application has been filed seeking permission to place on record the report of the Pathology Department from PGIMS, Rohtak dated 21.11.2017 (Annexure P-8) which would reflect:-

“Microscopic examination

1. *Brain: Microsections examined from brain show no significant pathological change. Meningeal vessels show congestion.*
2. *Heart: Microsections examined from various portions of heart show no significant pathological change. Microsections examined from right coronary artery show moderate atherosclerosis. Microsections examined from left coronary artery show complicated atherosclerosis.*
3. *Lung: Sections examined from both pieces of lung show pneumonitis.*
4. *Liver: Microsections examined from liver show chronic venous congestion.*
5. *Spleen: Microsections examined show odema and congestion.*
6. *Kidney: Microsections examined from both pieces of kidney show no significant pathological change.”*

Permission is also sought to place on record document of the Regional Forensic Science Laboratory, Bhondsi (Gurugram), Haryana which would show that no common poison could be detected in exhibits-1a, 1b, 1c, 1d and 1e, counsel also seeks to place on record the opinion given by the Associate Professor, Department of Forensic Medicine PGIMS, Rohtak on an application moved by the Investigating Officer regarding the cause of

death of deceased. Learned counsel for the petitioner argues that the charges were framed on 21.11.2017 and these said reports are now available and therefore, the charges that have been framed under Section 306 are not maintainable.

I have heard counsel for the parties and the objections that have been raised by learned counsel for the respondent-State.

Admittedly, the petitioner has a remedy of moving an appropriate application for alteration/deletion of the charges that have been framed under Section 216.

In view of the said provision that is available, this court is not inclined to interfere in the present revision at this instance. In case the petitioner moves the appropriate application for addition/deletion of the charges of the same be considered in accordance with law on consideration of the relevant documents that are on record at the time of filing the application.

Accordingly, the revision stands disposed of.

22.11.2018

sunil Devi

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No