IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR-460-2018(O&M)
Date of decision:-6.2.2018

Jagir Ram and others

...Petitioners

Versus

Baldev Singh and others

...Respondents

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

Present: Mr.Balram Singh, Advocate
for the petitioners.

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H.S. MADAAN, J.

This revision petition has been filed by petitioners – Jagir Ram, Mohinder Singh, Surjit Singh, Jaspreet Singh, Narinder Singh, Faqir Chand, Mandip Singh @ Deep, Amrik Singh @ Ladoo and Varinder Jit Singh @ Peek directed against the order dated 18.11.2017 passed by learned Additional Sessions Judge, Kapurthala framing charge for offences under Sections 307, 326, 452, 323, 506, 148 and 149 IPC.

Inter alia, in the petition it is contended that Amarjit Singh (respondent No.2) had got registered FIR No.40 dated 24.5.2014 for the offences under Sections 325, 323, 148 and 149 IPC with Police Station Rawalpindi, Phagwara, District Kapurthala; that after completion of

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investigation, challan was filed in the Court, however, complainant during the pendency of the investigation in the FIR, had instituted a criminal complaint No.456 of 2014 before Illaqa Magistrate, Phagwara for the offences under Sections 323, 324, 325, 326, 307, 452, 506, 148, 149 and 120-B IPC and summoning order passed in the complaint on 6.9.2014 without following the provisions of Section 210 Cr.P.C.; that during the trial in the State case before JMIC, Phagwara after framing of charge and recording statement of Baldev Singh PW in part, APP, had moved an application under Section 319 Cr.P.C., which was accepted; that thereafter both the State case and complaint case were ordered to be clubbed; that then the cases were committed to the Court of Sessions.

The petitioners are feeling aggrieved by committing the case to the Court of Sessions and with regard to framing of formal charge for the offences under Sections 307 and 326 IPC against them, as such they pray that the present revision petition be accepted and impugned order be set aside.

I have heard learned counsel for the petitioners besides going through the record and I find that there is no merit in the revision petition. The law is well settled that charge can be framed on the basis of strong suspicion even and to constitute offence under Section 307 IPC, the main thing to be seen is the intention of the assailants, though actually no injury might have been received by the victim/intended victim. As per the own case of the petitioners, they had been summoned in the complaint case for the offences under Sections 326 and 307 IPC as well. Since the complaint case and State case related to the same incident, those were clubbed and

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as offence under Section 307 IPC is exclusively triable by the Court of Sessions, learned Magistrate rightly committed the cases to the Court of Sessions Judge, Kapurthala from where the cases were assigned to learned Additional Sessions Judge, Kapurthala. The impugned order goes to show that learned Additional Sessions Judge, Kapurthala after hearing Additional Public Prosecutor for the State, defence counsel and perusing documents attached with the report under Section 173 Cr.P.C. finding that a *prima facie* case for the offences punishable under Sections 307, 326, 452, 323, 506, 148 and 149 IPC made out against the accused, as such ordered that they be charge-sheeted accordingly.

I do not find any illegality or infirmity with the impugned order which might have called for interference therewith while exercising the revisional jurisdiction which as a matter of fact is quite limited in nature. Resultantly, the revision petition stands dismissed.

6.2.2018 **(H.S.MADAAN)**
Brij **JUDGE**

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No

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