

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

205

**CRM-M-10618 of 2016 (O&M)
Date of Decision: 27.02.2019**

Anil Kumar Nagpal and anotherPetitioners.

Versus

Jagir KaurRespondent.

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. B.S. Jaswal, Advocate for the petitioners.

Mr. Satnam Singh Thakur, Advocate for the respondent.

Shekher Dhawan, J.

Present petition under Section 482 Cr.P.C. is for quashing the impugned judgment dated 13.01.2016 passed by learned Additional Sessions Judge, Amritsar, whereby the judgment dated 04.05.2015 passed by learned Chief Judicial Magistrate, Amritsar, discharging the petitioners-accused, was set aside.

Learned counsel for the petitioners inter~alia contended that while passing the judgment dated 13.01.2016, learned Additional Sessions Judge, Amritsar, recorded the observation that from documents Exhibit C-1 and C-2, it could easily be inferred prima facie that accused had committed forgery of the document. Thereafter, the matter has been remanded back to the learned trial Judge for re-appreciation of evidence. The said observations shall bound to have adverse effect upon the rights of the present petitioners and learned Magistrate shall be bound by the findings

having been recorded by learned Additional Sessions Judge.

Apart from that, learned counsel for the petitioners taken various pleas regarding illegality of the judgment, which are legally not tenable at this stage. This Court is certainly of the view that learned Additional Sessions Judge, Amritsar, has recorded the observations in its judgment dated 13.01.2016 which should not prejudice the judicial discretion to be exercised by learned trial Judge on the basis of material available on the file.

In view of the above, the present petition is disposed of with the directions that learned trial Judge shall appreciate the evidence available on the file without taking into consideration the findings, having been recorded by learned Additional Sessions Judge, regarding Exhibit C-1 and C-2. But it is made clear that learned trial Judge shall be at liberty to consider the entire material available on the file.

Present petition is disposed of in the above terms.

(SHEKHER DHAWAN)
JUDGE

27.02.2019
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Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No