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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-11904-2019
Date of decision-28.03.2019

Charan Singh

....Petitioner

Vs.

State of Punjab and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Dheeraj Mahajan, Advocate for the petitioner.

MANOJ BAJAJ, J.

This petition has been filed by the petitioner under Section 482 of Criminal Procedure Code challenging the order dated 02.03.2019 (Annexure P-5) whereby the order dated 18.08.2018 (Annexure P-3) dismissing the application for addition of charges under Sections 307 and 452 of Indian Penal Code and Sections 3, 4 and 5 of The **Scheduled** Castes and Tribes (Prevention of Atrocities) **Act**, 1989 was upheld.

The prosecution of the accused arises from case FIR No.24 dated 26.04.2013 registered under Sections 326, 324, 323 and 341 read with Section 34 of Indian Penal Code.

I have heard the learned counsel for the petitioner and with his assistance gone through the order passed by the trial Court.

Perusal of the final report submitted by Police under Section 173 (2) Cr.P.C reveals that the accused have been sent to face the trial for the offences punishable under Sections 323, 324 and 341 read with Section

34 of IPC. The application moved by the petitioner/complainant before the Court for addition of charges has not been placed on record. However, the trial Court proceeded to dismiss the application on the ground that as per the allegations the alleged occurrence took place on the road and therefore, the offence punishable under Section 452 IPC is not attracted. Similarly, no case punishable under **Scheduled** Castes and Tribes (Prevention of Atrocities) **Act**, 1989 was found to have been committed.

The revisional Court has upheld the order passed by the trial Court. It is specifically noticed by the revisional Court that the allegations pertaining to the offence punishable under Sections 3 and 4 of SC/ST Act may not sustain in view of the statement of Charan Singh (petitioner) given on 14.08.2015 when he was examined before the Court. However, it is observed that said witness was again examined on 17.10.2017 and stated use of derogatory words. It was specifically observed by the Court below that the statement of petitioner is contradictory and therefore, it refused to interfere with the order passed by the trial Court.

In view of the above, no ground is made out to invoke inherent powers under Section 482 Cr.P.C as present petition is nothing but amounts to second revision in the garb of Section 482 Cr.P.C.

Petition is dismissed.

(MANOJ BAJAJ)
JUDGE

28.03.2019

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No