

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc.-M-43567 of 2015
Date of Decision: October 30, 2019.

Darshana Kumari

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE ANIL KSHETARPAL.

Present: Mr.Munish Gupta, Advocate, for the petitioner.
Mr.S.P.S.Tinna, Additional AG, Punjab.

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Anil Kshetarpal, J. (Oral)

Correctness of the order framing charge passed by the learned Magistrate vide order dated 13.08.2014, affirmed in the revision, has been assailed.

Learned Court of Sessions while hearing the revision petition, has prima-facie found as under:-

“In the present case the criminal law was set in motion on the application moved by D.S.Suri, Superintendent of Posts Officers, Ludhiana (M) Division, Ludhiana, for registration of FIR against the concerned postal officials and SAS Agent for committing criminal breach of trust and embezzlement of amount of Rs.38 lacs from the account holder of post office by manipulating the accounts. On the aforesaid application, enquiry was conducted by SHO Police Station Khanna and DSP P.S.Khanna. As per the contents of FIR, there was an embezzlement in the account bearing No.492604 Main Post Office, Khanna. It is alleged that the aforesaid account number was opened on 10.09.2009, in the name of Smt.Rama wife of Krishan Lal, R/o Pram Nagar Khanna for recurring deposit of Rs.100/- per month. In

this account, by using the pass word of Smt.Darshna Kumari (revisionist) the entry in data were changed and the recurring deposit of Rs.100/- was changed into 1000/-. Smt.Mamta Rani, Postal Assistant paid the amount of Rs.2,24,100/- in connivance with Arvind Kishore Agent in cash, whereas the payment was to be made for Rs.19,999/-. The same modus operandi was adopted in committing embezzlement of Rs.4,93,194/- in account No.492605. The account No.496708 was opened in the name of Amandeep Kaur and Dalbir Singh, r/o H.No.C-18, Jagar Colony, Street No.2, Khanna for recurring deposit of Rs.200/- per month. The data entry in the aforesaid account was changed by using the pass word of Gurmukh Singh APS. The recurring deposit of Rs.200/- was changed into Rs.500/- per month. The name of the account holder was changed to Balbir Kaur, r/o Main Bazar Khanna. Smt.Mamta Rani co-accused R.D.Account Clerk, with the consent of Smt.Darshana Rani revisionist, deposited the amount of Rs.45,779/- in the account of Arvind Kishore. It is the defence of the revisionist is that her pass word was misused by the other co-accused and she was not involved in the commission of aforesaid offences in any manner. It is the further defence of the revisionist is that she had been awarded the punishment of censure by the departmental authorities in departmental enquiry by holding that she was negligent in performing her duties. Admittedly, she has deposited an amount of Rs.2,75,900/- in the department.”

Learned counsel for the petitioner submits that the order passed by the learned Magistrate is a non-speaking order and the Magistrate should have adverted to the entire material available on file before passing the order. He particularly made a reference to the report of the Deputy

Superintendent of Police, Khanna dated 14.05.2012 (Annexure P-3).

At the stage of framing charge, the Court is to form a prima-facie opinion. The charge can be framed even on the basis of strong suspicion.

It is undisputed that the petitioner, at the relevant time, had working in the Post Office and allegations are with regard to embezzlement of the amount.

Keeping in view the facts of the case as the order passed by the Court of Sessions, relevant part whereof is extracted above, this Court is not inclined to interfere.

Dismissed.

October 30, 2019
mohinder

(ANIL KSHETARPAL)
JUDGE

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