

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

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CRR-1110-2019 (O & M)
Date of Decision:10.05.2019

Ranjit Singh and others

...Petitioners

Versus

Angrej Kaur and another

...Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Surinder Garg, Advocate
for the petitioners.

MANOJ BAJAJ, J.

CRM-15328-2019

For the reasons stated in the application, which is duly supported by an affidavit, delay of 392 days in filing the petition is condoned.

Application is allowed.

Main Case

The revision petition has been filed impugning the order dated 10.1.2018, passed by Addl. Sessions Judge, Faridkot, whereby the charges have been framed against accused (petitioners). The prosecution is based on a complaint case filed by complainant Angrej Kaur (respondent No.1) filed under Section 323/506/390/391/392/148/149 IPC and Section 3 of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Learned counsel for the petitioners contends that in all there are 5 accused and previously revision petition against the order of framing

charges was filed by Pawan Kumar and another, which was decided by this

Court in case CRR-1189-2018 on 13.02.2019. The same reads as under:-

“The revision petition has been filed impugning the order dated 10.1.2018, passed by Addl. Sessions Judge, Faridkot, whereby the charges have been framed against accused (petitioners). The prosecution is based on a complaint case filed by complainant Angrej Kaur (respondent No.1) filed under Section 323/506/390/391/392/148/149 IPC and Section 3 of the Scheduled Caste and Scheduled Tribes Prevention Act.

A perusal of the impugned order reveals that the Court has proceeded to frame charges on the ground that a final report under Section 173 Cr.P.C. has been filed and prima facie case is made out for framing of charges. In fact, the case of the prosecution is not based upon the police report and on the contrary, is a case based on private complaint. After summoning of the accused, it is pre-charge evidence which was required to be considered by the trial Court before framing of charges.

Apparently, the trial Court has proceeded to frame the charges in a mechanical and routine manner without even ascertaining the nature of the case.

In view of the above, the impugned order dated 10.01.2018 is set aside and the case is remanded back to the trial Court for passing a fresh order after considering the entire material on record and hearing the parties.”

Learned counsel for the petitioners contends that the trial Court is construing the said order passed in CRR-1189-2018 only in respect of the petitioners in the said revision petition and proceeded with the trial against the petitioners pursuant to the order dated 10.01.2018. He contends that the

order dated 10.01.2018 is deemed to be set aside completely in view of the

defect contained in the said order and, therefore, the petitioners are compelled to file this petition to seek the same relief.

Considering the above, it is ordered that the order dated 10.01.2018 is set aside and the trial court is directed to complete the exercise of framing of charges in respect of all the five accused afresh.

Disposed off.

10.05.2019
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(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No