

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

Criminal Revision No. 384 of 2012 (O&M)

Reserved on : 1.3.2019

Date of decision : 28.3.2019

Rajiv

.... Petitioner

versus

State of Haryana

... Respondent

Coram: Hon'ble Mr. Justice Rajiv Sharma

Present Ms. Isha Goyal, Advocate, for the petitioner.

Ms. Shubhra Singh, Additional Advocate General, Haryana.

Rajiv Sharma, J.

1. This revision petition is directed against the order of framing charge against the petitioner under Section 307 IPC.

2. The brief facts necessary for the adjudication of the case are FIR No. 300 dated 24.4.2011, registered at Police Station, Civil Lines, Karnal, under Sections 148, 149, 307 IPC and Sections 13A/3/67 of the Public Gambling Act, 1867. According to the contents of the FIR, a secret information was received by the police party on 23.4.2011 that the petitioner along with co-accused was indulging in betting/ gambling on the cricket game. They were openly calling the persons for betting/ gambling to stake claim on a particular number by spending ₹ 100/- and in case person wins, he would get ₹ 1,000/-. House No. 1679, Sector-7, Karnal, was raided by the police. On seeing the police party, petitioner Rajiv got infuriated and hurled drill machine at SI Sanjiv Kumar. The petitioner and co-accused were arrested on 1.7.2011. Challan was put up against the petitioner in

terms of Section 173 Cr.P.C. The learned Chief Judicial Magistrate committed the case to the Court of Sessions on 26.7.2011. The charge was framed against the petitioner under Section 307 IPC vide order dated 16.12.2011, which is impugned in the present petition.

Whether the petitioner had thrown the drill machine on the police official to kill him or not can only be determined during the trial. What has to be seen under Section 307 IPC, is the intention of the person to kill and not the injury. It has come during the course of hearing that evidence has commenced and number of witnesses have already been examined.

The Court has gone through the FIR and the order whereby the charge was framed against the petitioner. The order of framing charge against the petitioner is a speaking order. There is no merit in the present petition. The same is accordingly dismissed.

28.3.2019
vs

(Rajiv Sharma)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No