

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

**CRR-1222-2017 (O&M)
Date of Decision: 2.5.2019**

Ravi

.....PETITIONER(s).

VERSUS

State of Haryana

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Keshav Pratap Singh, Advocate
for the petitioner.

Mr. Pawan Garg, AAG, Haryana.

Mr. Tarun Dhingra, Advocate,
for the complainant.

RAJ SHEKHAR ATTRI, J.

The present revision petition has been filed under Section 401 of the Code of Criminal Procedure challenging order dated 13.2.2017 passed by learned Additional Sessions Judge, Karnal whereby the petitioner has been charge sheeted to face trial under Section 376 (2) (N), 313 and 506 of the Indian Penal Code.

Briefly stated, it is the case of the prosecution that the petitioner committed rape upon the prosecutrix on various times. After registration of the FIR, investigation was conducted and final police report was submitted.

Learned trial Court after hearing counsel for the parties, framed charge vide order dated 13.2.2017 under Sections 376 (2)(N), 313

and 506 of the IPC.

I have heard learned counsel for the parties and gone through the record. I have also gone through the written arguments submitted before this Court.

Learned counsel for the petitioner has submitted that the version of the prosecutrix is not reliable. She is a major lady and everything was done with her own will and she never objected to make physical relations during the period of one and a half year.

It is settled proposition of law that the charge can be framed even on the basis of strong suspicion. At the time of framing of the charge, even if there is strong suspicion against the accused, the Court on its own can apply judicious mind to the facts of the case to find out from the evidence produced whether any *prima facie* case has been made out, if so, charge has to be framed otherwise accused shall be discharged.

Learned counsel for the petitioner has placed reliance on the judgment of the Hon'ble Supreme Court in **Criminal Appeal Nos. 1375-1376 of 2013 in Asian Resurfacing of Road Agency Pvt. Ltd. and another v. Central Bureau of Investigation** decided on 28.3.2018, **Union of India v. Prafulla Kumar Samal and another**; 1979 AIR (SC) 366, Rajasthan High Court in **Naveen Bairwa v. State of Rajasthan**, 2015 (8) RCR (Criminal) 980, Madhya Pradesh High Court in **Piyush v. State of M.P. and another**; 2016 (2) JbLj 185 and of Delhi High Court in **Sandeep Sharma v. State**; 2017 (2) JCC 1162 but the facts in these cases are distinguishable on facts.

A bare perusal of the material available on record, a *prima facie* case is made out to make the charge under the aforesaid sections

against the petitioner.

The impugned order does not suffer from any irregularity,
infirmity and illegality.

Dismissed.

May 2, 2019
Paritosh Kumar

(RAJ SHEKHAR ATTRI)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>