

S.No.111

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

CRM-M-44653 of 2019 (O&M)

Date of Decision:19.10.2019

Ravinder Kumar

.....Petitioner

Vs.

State of Haryana and othersRespondents

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Lakshay Bajaj, Advocate
for the petitioner.

Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioner under Section 482 Cr.P.C with a prayer for quashing of order dated 27.09.2019 passed by the Court of learned Additional Sessions Judge, Jind in Criminal Revision No.CRR/17/2019 bearing FIR No.193 dated 08.05.2016 under Sections 323/324/285/336/341/506 read with Section 34 IPC and Section 27 of Arms Act, registered at Police Station Safidon, whereby the learned Additional Sessions Judge, Jind has allowed the revision petition preferred by the accused persons/ respondents No.2-4 by setting aside the well reasoned order dated 11.01.2019 passed by the Court of learned Sub Divisional Judicial Magistrate, Safidon.

A bare perusal of the order of the Revisional Court shows that the Court has allowed the revision petition for the reason that the trial Court had altered the charge, by allowing the application moved by the present petitioner, even without getting any evidence from the prosecution in the trial. Therefore, this Court does not find any illegality or irregularity with the order of the revisional Court as such. Needless to say, and this can be inferred from the order of the Revisional Court as well, that it would have

been different, had the petitioner/prosecution led some evidence on file and on the basis of that, the trial Court would have arrived at an opinion qua the charge which is being claimed by the petitioner.

In view of the above, the present petition is dismissed. However, this would not preclude the trial Court from altering the charge, if so required, after the evidence is led by the prosecution justifying the same.

October 19, 2019	(RAJBIR SEHRAWAT)
renu	JUDGE
Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No