

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-44339-2019 (O&M)
Date of Decision:-19.10.2019

R.K. Verma ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Roopak Bansal, Advocate for the petitioner.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court challenging order dated 8.8.2019 passed by learned Additional Sessions Judge, Sonipat, whereby a revision petition filed by the petitioner challenging order dated 2.3.2017 passed by learned Judicial Magistrate 1st Class, Sonipat, framing charges against accused, has been dismissed.
2. A few facts, necessary to notice for disposal of this petition, are that the complainant Charu lodged an FIR No.99 dated 27.11.2015 at Police Station Women Cell, Sonapat against the petitioner for offences under Sections 294, 354 and 506 of Indian Penal Code alleging therein that she is working as a Steno-Typist in 'DCRUST Murthal University', where the petitioner is employed as Assistant Registrar. It is alleged that the petitioner had given abuses to her and had caught hold of her hand and had also made advances

towards her. The matter was investigated by the police and upon conclusion of investigation, a challan was presented.

3. The petitioner had approached this Court by way of filing CRM-M-13117 of 2016 seeking quashing of the FIR, which was disposed of with liberty to the petitioner to approach the trial Court and to raise all the pleas at appropriate stage. Pursuant to passing of the aforesaid order, the petitioner moved an application under Section 239 Cr.P.C. before the learned Judicial Magistrate 1st Class, Sonapat seeking his discharge, which was dismissed by learned Judicial Magistrate 1st Class, Sonapat vide order dated 2.3.2017 and consequently charges for offences under Sections 294, 354 and 506 of Indian Penal Code were framed against the petitioner vide charge-sheet dated 2.3.2017 (Annexure P-4).
4. Aggrieved with the aforesaid order dated 2.3.2017 (Annexure P-4), the petitioner preferred a revision petition, which was also dismissed by the learned Court of Additional Sessions Judge vide order dated 8.8.2019, which is being assailed by the petitioner in the present petition.
5. The learned counsel for the petitioner has submitted that the charges are vague and cryptic and that in these circumstances, the petitioner would be seriously prejudiced in defending himself. The learned counsel, in order to hammer forth his aforesaid submissions, places reliance upon the judgment in Suraj Rani Versus State of Punjab and another, 2011(5) R.C.R. (Criminal) 539.
6. I have considered the aforesaid submissions and have also perused the charge-sheet, the relevant extract of which reads as follows:-

“I, Karuna Sharma, Judicial Magistrate, 1st Class, Sonapat do hereby charge you (R.K. Verma) as under:-

Firstly: That you the above named accused during the tenure of complainant as steno-typist in DCRUST Murthal University during the period 04.03.2014 to 18.08.2015 at Registration Branch caused annoyance by doing obscene acts at public place and thereby you committed the offence punishable under Section 294 IPC within cognizance of this court.

Secondly: That you the above named accused at the same time and place, assaulted or used criminal force to complainant, intending to outrage her modesty and thereby you committed the offence punishable under Section 354 IPC within cognizance of this Court.

Thirdly: That you the above named accused at the same time and place, criminally intimidated the complainant to kill her and thereby you committed the offence punishable under Section 506 IPC within cognizance of this Court.

And I hereby directed that you be tried by this court on the above said charges.

Sd/-
Karuna Sharma
JMIC, Sonapat, 02.03.2017”

7. Before proceeding further, it would be apposite to bear in mind the relevant provisions of the Criminal Procedure Code, 1973, dealing with the requirements that Courts have to follow, while framing charges. Sections 211 to 215 Cr.P.C. read as follows:-

" Section 211.

Contents of Charge-

- (1) Every charge under this Code shall state the offence with which the accused is charged.
- (2) If the law which creates the offence gives it any specific name, the offence may be described in the charge by that name only.

- (3) If the law which creates the offence does not give it any specific name, so much of the definition of the offence must be stated as to give the accused notice of the matter with which he is charged.
- (4) The law and section of the law against which the offence is said to have been committed shall be mentioned in the charge.
- (5) The fact that the charge is made is equivalent to a statement that every legal condition required by law to constitute the offence charged was fulfilled in the particular case.
- (6) The charge shall be written in the language of the Court.
- (7) If the accused, having been previously convicted of any offence, is liable, by reason of such previous conviction, to enhanced punishment, or to punishment of a different kind, for a subsequent offence, and it is intended to prove such previous conviction for the purpose of affecting the punishment which the Court may think fit to award for the subsequent offence, the fact, date and place of the previous conviction shall be stated in the charge; and if such statement has been omitted, the Court may add it at any time before sentence is passed.

Section 212.

Particulars as to Time, Place and Person-

- (1) The charge shall contain such particulars as to the time and place of the alleged offence, and the person (if any) against whom, or the thing (if any) in respect of which, it was committed as are reasonably sufficient to give the accused notice of the matter with which he is charged.
- (2) When the accused is charged with criminal breach of trust or dishonest misappropriation of money or other movable property, it shall be sufficient to specify the gross sum or, as the case may be, describe the movable property in respect of which the offence is alleged to have been committed, and the dates between which the offence is alleged to have been committed, without specifying particular items or exact dates, and the

charge so framed shall be deemed to be a charge of one offence within the meaning of Section 219 :

Provided that the time included between the first and last of such dates shall not exceed one year.

Section 213.

When Manner of Committing Offence Must be Stated-

When the nature of the case is such that the particulars mentioned in Sections 211 and 212 do not give the accused sufficient notice of the matter with which he is charged, the charge shall also contain such particulars of the manner in which the alleged offence was committed as will be sufficient for that purpose.

Section 214.

Words in charge taken in sense of law under which offence is punishable-

In every charge words used in describing an offence shall be deemed to have been used in the sense attached to them respectively by the law under which such offence is punishable

Section 215.

Effect of Errors-

No error in stating either the offence or the particulars required to be stated in the charge, and no of omission to state the offence or those particulars, shall be regarded at any stage of the case as material, unless the accused was in fact misled by such error or omission, and it has occasioned a failure of justice.

8. Although, it is correct that the Trial Court while framing charges in respect of Sections 294 and 354 of Indian Penal Code has not described therein all the details of the alleged obscene acts and the details of the alleged acts of outraging of modesty but all these finer details of the manner in which the offence was committed are not required to be incorporated in the charge-sheet. The only purpose of the charge-sheet is to make a formal expression

of the accusation for which the accused is to be prosecuted so as to enable him to defend himself and also to lead evidence to prove that the same are not made out.

9. A perusal of the charge-sheet framed in this case would show that the charge sheet clearly spells out the offences for which the petitioner has been charged and the particulars of the victim against whom the offence is alleged to have been committed and also contains the details of the time and place where the offence is alleged to have been committed. No doubt, the charges do not specify or particulars of the manner in which the alleged act of molestation was committed or the manner in which the victim was intimidated but these 'omissions' cannot be termed fatal to the case of prosecution. It can not be said that there is any ambiguity in the charge sheet or that the accused would not be knowing as to what case he has to meet or that the accused would be prejudiced in any manner in defending himself. It is not a case of just the generic reference to provisions of the IPC without there being details of even the time and place where the offence was committed or the detail of victim against whom the offence was allegedly committed. The charge-sheet framed in the present case duly meets with the requirements of section 211 and 212 Cr.P.C.
10. As far as the finer details of the manner of occurrence is concerned, the same, obviously would be spelt out by the prosecution witnesses during the course of trial while leading evidence. Needless to mention, the petitioner would get a chance to cross-examine all the witnesses, as well as to lead defence evidence so as to attempt to demolish the case of the prosecution.

11. As far as the judgment relied upon by petitioner is concerned i.e. Suraj Rani's case (supra), a perusal of the charge-sheet framed in the said case, as reproduced in the cited judgment would show that the charge was patently defective inasmuch as the same refers to the accused as Vishal Bhardwaj (since proclaimed offender) whereas the accused being charged was Suraj Rani. Further the time of offence is as mentioned is also rather vague and the time period is simply mentioned as 'after marriage on 21.11.2005'. In the case in hand the time period is clearly specified to be between '4.3.2014 to 18.8.2015'. Thus, in view of distinct factual position, the cited case has no application to facts of present case.
12. Consequently, in view of discussion made above, the impugned orders passed by the learned Judicial Magistrate 1st Class as well as the learned Additional Sessions Judge are not found to be suffering from any infirmity and the same are hereby affirmed. Finding no merit in this petition, the same is dismissed.
13. It is, however, made clear that none of the observations made above shall be construed to be an expression on merits of the main case and the trial Court shall proceed with the trial without being influenced by anything observed hereinabove.

19.10.2019

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes

Whether Reportable Yes