

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR No.1189 of 2018

DATE OF DECISION: FEBRUARY 13, 2019

PAWAN KUMAR & ANR.

...PETITIONERS

VERSUS

ANGREJ KAUR & ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. SURINDER GARG, ADVOCATE FOR THE PETITIONER.
MR. BHUPENDER BENIWAL, AAG, PUNJAB.

MANOJ BAJAJ, J.

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.

February 13, 2019
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No