

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

CRR-797-2020
Decided on : 18.03.2020

Hardeep Singh Numberdar

..... Petitioner

Versus

State of Punjab & anr.

..... Respondents

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. G.S.Verma, Advocate
for the petitioner.

Manjari Nehru Kaul, J.

The instant revision petition has been preferred for setting aside the order dated 11.02.2020 where in the Court below initially framed charges against the petitioner under Sections 354, 354-A, 323 IPC and Sections 3(1) (e), (r), (w)(i) and (w)(ii) of SC and ST Prevention of Atrocities Act, 1989 and subsequently vide order dated 24.02.2020 amended the chargesheet by adding additional offences under Sections 354, 354-A, 323 IPC and Sections 3(1), (e), (r), (w)(i), (w)(ii) and (s) of SC and ST Prevention of Atrocities Act, 1989 against the petitioner.

2. Learned counsel for the petitioner has vehemently submitted that the impugned orders have been passed by the learned trial Court by failing to take into account that there was a history of enmity between the family of the complainant and the petitioner and it was due to this fact that the petitioner had been falsely implicated in the FIR in question. It was further contended that the Court below gravely erred in amending the

charges against the petitioner only on the basis of the statement of Manjit Kaur, sister of complainant Harjit Kaur, who intentionally attributed derogatory remarks to the petitioner so as to attract the mischief of Section 3 of SC and ST Act.

3. I have heard learned counsel for the petitioner as well as gone through the FIR in question and also the impugned orders.

4. Section 216 Cr.PC makes it abundantly clear that a Court is empowered to alter or add to any charge(s) framed earlier at any stage of the trial before the judgment is pronounced. This power can be exercised if some additional or new material comes up before the Court.

5. On a perusal of the allegations levelled against the petitioner in the FIR in question, prima facie the ingredients to attract the mischief of Sections 354, 354-A, 323 IPC and Sections 3(1)(e), (r), (w)(i), (w)(ii) and (s) of SC and ST Act, 1989 are clearly discernible.

6. The amended chargesheet vide which offence under Section 3 (s) of SC and ST Act was added, was on the basis of the statement of Manjit Kaur, sister of complainant Harjit Kaur, recorded by the police under Section 161 Cr.PC during the course of investigation. This Court while exercising its inherent powers under Section 482 Cr.PC cannot evaluate and appreciate the material brought on record during the investigation and set aside the chargesheet. At the stage of framing of charges, the Court has to prima facie appreciate the material collected during the investigation for the purpose of framing of charges.

7. On a perusal of the case in hand and the material placed on record, the commission of offence under Sections 354, 354-A, 323 IPC and

Sections 3(1)(e), (r), (w)(i), (w)(ii) and (s) of SC and ST Act, 1989 for which the petitioner has been charged with by the Court below is prima facie made out. The truthfulness or otherwise of the prosecution version can only be tested on the touchstone of cross-examination during the course of trial. Hence, this Court is not inclined to exercise its inherent powers under Section 482 Cr.PC by setting aside the impugned orders dated 11.02.2020 and 24.02.2020.

8. It may be clarified that nothing contained hereinabove shall be construed to be an expression of opinion on the merits of the case.

9. Accordingly, the present petition stands dismissed.

(MANJARI NEHRU KAUL)
JUDGE

18.03.2020

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Whether speaking/reasoned:	Yes
Whether reportable :	Yes