

CRR-67-2020 (O&M)

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

**CRR-67-2020 (O&M).
Decided on: January 10, 2020.**

Gurmej Singh

.. Petitioner

VERSUS

State of Punjab

.. Respondent

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

**PRESENT Ms.Riffi Birla, Advocate,
 for the petitioner.**

JASGURPREET SINGH PURI, J. (ORAL)

The present revision petition has been filed challenging the framing of charges by the learned Judge, Special Court, Fazilka, under Section 15 (C) of the Narcotics Drugs and Psychotropic Substances Act, vide order dated 01.06.2015, in police challan presented in FIR No.213 dated 13.12.2013, registered at Police Station, Sadar, Fazilka.

Learned counsel for the petitioner has argued that in the charge-sheet, the learned Judge, Special Court, Fazilka, has erroneously mentioned that both the accused were found in conscious possession of 1000 kgs. of poppy husk without any valid licence or permit and thereby they committed the offence punishable under Section 15 (C) of the NDPS

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Act. She has further argued that the language used in the charge is contrary to what has been mentioned in the FIR, and therefore, the charge-sheet is liable to be quashed.

I have heard the learned counsel for the petitioner.

The language used in the charge-sheet with regard to conscious possession is only for the purpose of framing charge and the trial commences afterwards and further the final decision takes place on the basis of the evidence led by the parties. The charge is only a foundation for further processing of the trial and under Section 216 of the Code of Criminal Procedure, even the charge can be altered at any stage before the judgment is pronounced. Apart from above, the present petition has also been filed after a delay of 1579 days.

Learned counsel for the petitioner has also pointed out that present case is, at the stage of recording of statement of accused under Section 313 Cr.P.C.

In view of the fact that the trial is at the stage of recording of statement of accused under Section 313 Cr.P.C. coupled with the fact that there is a delay of 1579 days in filing the present petition, no ground is made out for interference. Consequently, the present revision petition as well as application for condonation of delay is dismissed.

January 10, 2020.
raj arora

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking / reasoned
Whether reportable

Yes / No
Yes / No