

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-21497-2022

Date of Decision: 27.10.2022

Kajal

... Petitioner

VS.

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. Ramnish Puri, Advocate for the petitioner

Sandeep Moudgil, J. (Oral)

(1) The petitioner seeks quashing of the impugned order dated 16.04.2022 (Annexure P7) passed by learned Additional Sessions Judge, Moga in FIR No.194 dated 10.11.2021 under Sections 166/189/190/204/328/381/506/509 IPC registered at Police Station City Moga, District Moga (Annexure P1) vide which application dated 09.02.2022 filed by the petitioner (Annexure P5) for providing the colour Photostat copy of photographs and copy of pen drive which was submitted by the police along with the challan has been dismissed, and a direction to release the said articles/documents be issued in favour of the petitioner.

(2) It is contended that the trial court has dismissed the application on the ground that challan as well as the other documents had been supplied to the petitioner but, the grievance of the petitioner is that colour Photostat copy of the photographs and copy of pen drive were not provided to the petitioner for better and effective defence. The petitioner alleges that she is a layman and is not equipped with legal knowhow and that at the time of supplying of documents, she was not present and is not aware as to if such documents have been supplied to her. It is submitted that as per Section

173(5) CrPC coupled with Section 207 CrPC, the Police Officer was bound to forward to the Magistrate along with report all the documents etc. on which the prosecution proposes to rely and the Magistrate is duty-bound to see if such documents are given to the petitioner. Learned counsel for the petitioner submits that no prejudice would be caused to the prosecution in supplying of these documents.

(3) Notice of motion.

(4) On the asking of the Court, Mr. Rajiv Verma, DAG Punjab accepts notice on behalf of the respondent and has maintained that the application is not maintainable in the present form as same has been filed with ulterior motive to delay the proceedings of the case. The petitioner has already been provided all the copies of the challan and other documents, free of costs under Section 207 Cr.PC on 24.01.2022 by the court of learned CJM, Moga.

(5) I have heard learned counsel for the parties and gone through the record.

(6) From a perusal of the averments made by both the parties, it transpires that after the presentation of challan against the petitioner, the copies of the challan as well as other documents have been supplied to the petitioner free of costs as per the provisions of Section 207 Cr.PC and in this regard, separate statement of petitioner was also got recorded before the learned CJM, Moga on 24.01.2022, wherein she has stated that she has received the copies of the challan and all other documents upon which the prosecution is relying, free of costs under Section 207 Cr.PC. Since, the petitioner has already received copies of the challan as well as other

supporting documents annexed with the challan, as such, this Court does not find any fault or illegality in the order passed by the learned Additional Sessions Judge, Moga on the ground that the application for providing colour Photostat copies of photographs and copy of Pen Drive is not maintainable at this stage.

(7) Dismissed.

27.10.2022
V.Vishal

(Sandeep Moudgil)
Judge

- 1. Whether speaking/reasoned?
- 2. Whether reportable?

Yes/No
Yes/No