

CRM-M-5479-2023
Reserved on: 03.02.2023
Pronounced on: 27-04-2023

Mysa Ganesh and another ...Petitioners

Versus

CBI ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. J.S. Mehndiratta, Advocate and
Mr. Inderpreet S. Brar, Advocate for the petitioners.

Mr. Rajeev Anand, Standing counsel for CBI.

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ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
RCCHG2014 A0021	09.12.2014	ACB, CBI, Chandigarh	120-B read with Section 420 IPC and Section 13(2) read with 13(1)(d) of the Prevention of Corruption Act 1988 (P-1)

1. Seeking quashing of the FIR and further aggrieved by the order of framing of charges passed by the special judge, CBI, on the 23rd of November 2021, the petitioner came before this court by filing the present petition under 482 Cr.P.C. under the code of criminal procedure, 1973, read with the High Court Rules.

2. Order of framing of charges is final and has to be challenged within the limitation of 90 days from its passing. The petitioner did not file the criminal revision within 90 days and chose to file a petition under section 482 Cr.P.C., which has no limitation clause. Once the statute prescribes a particular provision to challenge a final order under section 401 Cr.P.C., it does not entitle the petitioner to file the petition under section 482 Cr.P.C. to overcome the delay in filing the criminal revision. No explanation has been offered that prevented the petitioner from challenging the order dated the 23rd of November 2021 until the filing of the present petition, 16/01/2023. Earlier, the petitioner had filed a CRM-M-3402 in 2018, which was withdrawn on 10/01/2023. This means that the petitioner was aware of the trial and its implication. The order of framing of charges was passed during the interregnum when the petition was pending in this court. Instead of seeking an amendment to the said petition or

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challenging the charges within the timeframe prescribed by the statute, the petitioner, at such a belated stage, filed the present petition without explaining the delay. This is prima facie to delay the trial, which cannot be permitted. The extraordinary powers vested with the High Courts under section 482 CrPC are to prevent the abuse of the process of law and certainly not to abuse the process of law. Given above on this ground alone; the petition is dismissed.

3. Even on merits, a perusal of the impugned order framing of charges reveals that there is an application of mind by the trial Court and it is not a cryptic order under any circumstances. At the time of framing of charges, the trial Court is not supposed to write a detailed judgment but the trial Court has only to show that it had made up his mind and there is some material to corroborate such application of mind which is available in the present case.

Petition is barred by limitation and it is dismissed. All pending applications, if any, stand disposed.

Trial be expedited.

(ANOOP CHITKARA)
JUDGE

27.04.2023
anju rani

Whether speaking/reasoned:	Yes
Whether reportable:	NO.