

CRR-1692-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRR-1692-2024
Decided on: 06.09.2024

Dr. Harpreet Panesar ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. U.K. Agnihotri, Advocate
Mr. Anshul Agnihotri, Advocate and
Mr. Anuj Y. Attri, Advocate
for the petitioner.

Mr. Vikrant Pamboo, Sr. DAG, Haryana.

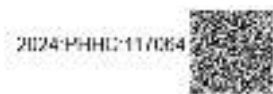
ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
13	29.03.2023	Cyber Crime, Nuh	419, 420, 467, 468, 471, 120B, 201 IPC and 7/13 of PC Act

1. Aggrieved by the framing of charges in the FIR captioned above, by the Sessions Court for the offence which were triable by the Court of Judicial Magistrate, the accused has come up before this Court by filing the present petition.

2. Petitioner’s counsel has drawn attention of this Court to the order of framing of charges, which reads as follows:-

“Arguments head on the point of charge. Omwati vs. State (Delhi Administration) 2001(2) RCR Criminal 255 wherein it was held that details circumstances showing existence of prima facie case against the accused for the offence in question are not required to be set out while framing of the charge.
From the perusal of police report u/s 173 of the Code of Criminal Procedure, 1973 and accompanying documents, a prima facie case for the commission of offence punishable under Section 120-B, 419, 420, 471, 201 IPC is made out against the accused persons. They have been charge sheeted accordingly to which they pleaded not guilty and claimed trial.



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Now to come up on 05.09.2024 for evidence of the prosecution. Summons to witnesses at serial no.1 to 4 be also issued for the date fixed.”

3. Perusal of the order reveals that no charges were framed under Prevention of Corruption Act although the challan had been filed under Sections 7 & 13 of Prevention of Corruption Act. The concerned Court had acquired jurisdiction only being a Special Court under PC Act and once it has come to the opinion that no offence are made out under Sections 7 & 13 of PC Act, then it had become functus officio and the other offences are triable by the Magistrate, on this ground alone the impugned order to the extent vide which the concerned Special Judge had framed charges for the commission of offence punishable under Prevention of Corruption Act, is quashed and set aside. The concerned Special Judge to remit back the matter to the concerned Judicial Magistrate and the concerned Judicial Magistrate to give appropriate opportunity to the accused while hearing the matter for framing of charges and shall not be influenced by the decision given by the Special Judge.
4. Petition is partly allowed to the extent mentioned above. Pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

06.09.2024
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Whether speaking/reasoned:	Yes
Whether reportable:	No.