
(2019) 08 P&H CK 0142

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous Petition (M) No. 10240 Of 2019

Bala Devi

APPELLANT

Vs

State Of Haryana And Others

RESPONDENT

Date of Decision : 07-08-2019

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 482
Indian Penal Code, 1860 — Section 120B, 363, 366A, 376, 376(3), 419
Protection Of Children from Sexual Offences Act, 2012 — Section 4
Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section 3, 3(3)

Citation : (2019) 08 P&H CK 0142

Hon'ble Judges : Hari Pal Verma, J

Bench : Single Bench

Final Decision : Disposed Off

Judgement

Hari Pal Verma, J

The present petition has been filed by the petitioner under Section 482 Cr.P.C. for issuance of a direction to respondent Nos.2 and 3, to complete the investigation fairly and expeditiously with a further prayer that respondent No.4 be arrested and challaned to face trial in F.I.R. No.57 dated 29.4.2018 under Sections 363, 366-A, 376, 419, 120-B IPC and Section 4 of the POSCO Act and Section 3 of the SC/ST Act, registered at Police Station Siwan, District Kaithal.

Copy of order dated 18.7.2019, downloaded from the e-courts website shows that not only the investigation in the FIR is complete rather the charges have also been framed against the accused and now the case is fixed before the trial Court for today i.e. 7.8.2019, for prosecution evidence.

Order dated 18.7.2019, passed by the Additional Sessions Judge, Kaithal, is reproduced below: -

"Present: Sh. N.D. Bishnoi, Public Prosecutor assisted by Sh. Pawan Gautam,

Advocate for complainant. Accused Vishal in custody represented by Sh. Naranjan Dhull, Advocate.

Accused Naresh on bail with Sh. Naranjan Dhull, Advocate.

Accused produced before me in custody. Arguments on charge heard. File perused. A prima-facie case punishable under Sections 366, 376 (3) of Indian Penal Code, Section 4 of The Protection of Children from Sexual Offences Act, 2012, Section 3 (2) (va) of Scheduled Castes and Scheduled Tribes (Prevention of atrocities) Act, 1989 is made out against the accused Vishal and a prime-facie case punishable under Section 120B of Indian Penal Code is made out against the accused Naresh. Charge framed against the accused accordingly, to which they pleaded not guilty and claimed trial.

Case is adjourned to 7.8.2019 for prosecution evidence. Summons of PWs mentioned at Sr. No.1 and 2 in the list of witnesses be issued for the date fixed. Till then, accused be kept in judicial custody and be produced before the Court on the date fixed.

Date of Order: 18.07.2019 (Hukam Singh)

Additional Sessions Judge,

Kaithal"

Without commenting upon the merits of the case, in view of the fact that the investigation in the FIR is already over and the challan has been presented against respondent No.4, who is facing trial, no further orders are required.

Disposed of accordingly.

However, in case the petitioner finds that order dated 18.7.2019, downloaded from the website is not correct, she is at liberty to seek revival of the petition.