
(2012) 01 SHI CK 0171
In the High Court Of Himachal Pradesh
Case No : CWP No. 65 of 2012-G

Jassi Devi

APPELLANT

Vs

State of H.P.

RESPONDENT

Date of Decision : 06-01-2012

Acts Referred:

Constitution of India, 1950 — Article 226
Evidence Act, 1872 — Section 65
Penal Code, 1860 (IPC) — Section 120, 409, 468

Citation : (2012) 01 SHI CK 0171

Hon'ble Judges : Kurian Joseph, C.J;V.K. Ahuja, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

Justice V.K. Ahuja J

1. This is a civil writ petition filed by the petitioner under Article 226 of the Constitution of India for quashing the charge, dated 16.3.2009, framed under Sections 468 and 409 read with Section 120-B IPC by Judicial Magistrate Ist Class, Chachiot at Gohar, District Mandi, H.P. in case No. P.C. 301-I/2007.

2. No notice was deemed necessary to be issued to the respondent.

3. We have gone through the allegations made in the petition as well as the certified copies of the order-sheets attached with the petition. On a perusal of the certified copies of the order-sheets, it is clear that the charge was framed against the petitioner by the learned trial Court on 16.3.2009 and the proceedings continued thereafter. Some evidence has also been recorded and now presently, the matter is fixed before the learned trial Court for consideration of an application filed u/s 65 of the Indian Evidence Act. After perusal of the record, it is clear that the charge was framed on 16.3.2009 and the petitioner took no steps to file a petition for quashing of the charge. At this belated stage when the trial had proceeded and some evidence has also been recorded, we are

of the opinion that no case is made out for quashing of the charge, by looking into the charge framed as against the petitioner, by invoking the extraordinary jurisdiction under Article 226 of the Constitution of India. However, the learned counsel for the petitioner submits that in such circumstances, the ends of justice will be met in case the learned trial Court is directed to take steps to dispose of the case within a fixed period. The plea is accepted. The learned trial Court shall take steps to complete the trial within a period of six months from today.

4. With the above observations, the writ petition is dismissed, so also the pending application(s), if any. A copy of this judgment be sent to the learned Judicial Magistrate Ist Class, Chachiot at Gohar, District Mandi, H.P., for compliance.