

Present: Sh. Iqbal Singh, Additional Public Prosecutor
Accused on bail with Ms. Rupinder Kaur, Advocate.

Arguments on charge heard. Sh. Nishan Singh, Advocate has put in appearance on behalf of the complainant and has assisted learned Additional Public Prosecutor. It has been contended by learned Additional Public Prosecutor that originally the FIR was registered under section(s) 452 and 336 of Indian Penal Code but by conducting an inquiry. The learned Additional Public Prosecutor has also questioned about deletion of the provisions of Indian Penal Code by an officer, who is not even the Investigating Officer.

After hearing learned Additional Public Prosecutor and learned Counsel for the accused, I find no force in contentions of learned Additional Public Prosecutor. If one goes through the story of the complainant, as put forth by the Investigating Officer in the report and further forwarded by the Prosecution Agency, one would wonder the manner in which the investigation was handled by the Investigating Officer and interference caused by the Senior Police Officers. Since the Final report was checked and forwarded by the learned Additional Public Prosecutor himself on dated 13.04.2018 by declaring it to be correct, therefore, learned Additional Public Prosecutor, at this stage cannot agitate the same matter, which has been checked by him previously. So far as the alteration of charge is concerned, the same is permissible at any stage by taking recourse to the provisions of section 216 Criminal Procedure Code. Even learned Additional Public Prosecutor has failed clarify that what necessity arose to **Dilbagh Singh son of Hardeep Singh** (cited as a witness at Sr. No.3) to move an application to the then Chief Judicial Magistrate, Tarn Taran on dated 28.09.2016 for his medical examination, even when the FIR was registered on dated 27.09.2016. It is not even clarified as to how the Chief Judicial Magistrate ordered for medical examination of the said person, even when he is not the complainant. Under these circumstances, the contentions of learned Additional Public Prosecutor are repelled.

Heard. Finding a *prima facie* case, the charges against the accused are framed under section(s) 324, 323, 506, 427, 34 of Indian Penal Code, to which the accused pleaded not guilty and claimed trial. Let PW's mentioned at Sr. No.1 to 1 to 3 along with Investigating Officer be summoned for 04.10.2018.

G.S
Stenographer-III
Next date:04.10.2018
Purpose:_____

Sumit Bhalla (UID-PB0259)
Chief Judicial Magistrate
Tarn Taran-06.08.2018