

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. OF 2014
(Arising out of Special Leave Petition (Crl.)No.2970 of 2013)

State of Punjab ...Appellant

Versus

Joginder Singh ...Respondent

O R D E R

1. Leave granted.

2. Vide order dated 26/09/2011 the Sessions Judge, SAS Nagar, Mohali framed charge under Section 304 Part-II of the Indian Penal Code against the respondent. The respondent challenged the said order in the High Court of Punjab and Haryana. By order dated 27/8/2012 the High Court set aside the order framing charge and remitted the matter to the Sessions Court to reframe the issue after going through the challan under Section 173 of the Code of Criminal Procedure. The High Court observed that in the facts and circumstances of the case, after registration of FIR investigation report/challan under Section 173 does not lead to any conclusion that

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the petitioner (respondent herein) had intention to kill the person while driving the bus on the wrong side. He had violated the traffic rule. The High Court further went on to say that the evidence produced by the prosecution cannot lead to a conclusion that the offence under Section 304 Part II of the Indian Penal Code is made out.

3. We are of the considered opinion that the High Court ought not to have interfered with the well reasoned order of the Sessions Judge by making the above observations. This amounts to giving almost a clean chit to the respondent which ought not to have been done at this stage. We notice that the Sessions Judge has, after perusing all the documents and the challan, come to a prima facie conclusion that the offence punishable under Section 304 Part II of the Indian Penal

Code is made out. Besides, the Sessions Judge has observed that in case it is found that the ingredients of Sections 299 and 304 Part II are not fulfilled, the accused can be convicted for the lesser offence. It was a balanced order which did not merit any interference.

4. We, therefore, set aside the impugned order and restore the order passed by the Sessions Court.

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5. The appeal is disposed of accordingly.

.....J.
(Ranjana Prakash Desai)

.....J.
(N.V. Ramana)

New Delhi;
May 1, 2014.
ITEM NO.09

COURT NO.11

SECTION IIB

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl) No(s).2970/2013

(From the judgement and order dated 27/08/2012 in CRLR No.2982/2011, of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

STATE OF PUNJAB

Petitioner(s)

VERSUS

JOGINDER SINGH

Respondent(s)

(With appln(s) for exemption from filing O.T. and office report))

Date: 01/05/2014 This Petition was called on for hearing today.

CORAM : HON'BLE MRS. JUSTICE RANJANA PRAKASH DESAI
HON'BLE MR. JUSTICE N.V. RAMANA

For Petitioner(s) Mr. V. Madhukar, AAG
Mr. Paritosh Anil, Adv.
Ms. Anvita Cowshish, Adv.
Mr. Kuldip Singh, Adv.

For Respondent(s) Mr. Krishanu Adhikary, Adv.
Ms. Prerna Mehta, Adv.

UPON hearing counsel the Court made the following
O R D E R

The appeal is disposed of in terms of the signed order.

[Gulshan Kumar Arora]
Court Master

[Indu Pokhriyal]
Court Master

(Signed order is placed on the file)