(2006) 05 P&H CK 0239

High Court Of Punjab And Haryana At Chandigarh

Case No: Criminal Revision No. 840 of 2005

Atma Singh and Others	APPELLANT
Vs	
State of Punjab	RESPONDENT

Date of Decision: May 9, 2006

Acts Referred:

- Penal Code, 1860 (IPC) - Section 120B, 465

Citation: (2006) 3 RCR(Criminal) 989

Hon'ble Judges: Satish Kumar Mittal, J

Bench: Single Bench

Advocate: H.S. Riar and Mr. G.B.S. Dhillon, for the Appellant; N.S. Gill, A.A.G., Punjab, for the Respondent

Final Decision: Dismissed

Judgement

Satish Kumar Mittal , J.
The petitioners, who are facing the trial in case FIR No. 123 dated 1.8.1995 under Sections 465/468/471/420/209/193/120-B IPC, registered at Police Station Kotwali Bathinda, have filed this criminal revision against the order dated January 24, 2005 passed by the Additional Sessions Judge, Bathinda, whereby on the revision filed by the State, order dated 18.9.2004 passed by the trial Court discharging the accused, has been set aside.

2. In this case, Additional Chief Judicial Magistrate, Bathinda vide order dated 18.9.2004 dropped the proceedings against the accused on the ground of limitation and discharged them. The revisional Court has set aside that order while observing that in this case the challan was presented in the Court, and thereafter the cognizance was taken and charge framed against the accused. Thereafter, the only stage is final judgment of conviction or acquittal, but the Judicial Magistrate cannot review its order and discharge the accused.

3. Learned counsel for the petitioners submits that the complaint was made after expiry of the period of limitation as prescribed u/s 468 Cr. P.C., therefore, in view of the limitation, no cognizance should have been taken by the Court, and as such the continuation of the proceedings against the petitioners is an abuse of the process of law. Therefore, the trial Court has rightly discharged the accused. In support of his contention, learned counsel for the petitioners has relied upon the decisions of the Supreme Court in Srinivas Gopal Vs. Union Territory of Arunachal Pradesh (Now State), and State of Himachal Pradesh Vs. Tara Dutt and Another, .

4. After hearing the counsel for the parties, I do not find any substance in the arguments raised by the counsel for the petitioners. Undisputedly, in this case the charge was framed and the case was at the stage of the prosecution evidence when the trial Court discharged the accused. In my opinion, the revisional Court has rightly observed that after framing of the charge, the only stage is to record the evidence and then to conduct the trial on merits. After framing of the charge, the stage is either acquittal or conviction and not discharge. The judgments cited by the learned counsel for the petitioners are arising from the final judgment and are distinguishable on facts. I do not find any illegality in the impugned order.

5. Dismissed.

6. However, keeping in view the facts of the case, the trial Court is directed to expedite the trial.