

Daljit Singh Narula Vs. State and ors.

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Court : Delhi

Decided On : Jul-22-2005

Reported in : 122(2005)DLT366; 2005(83)DRJ28

Judge : R.S. Sodhi, J.

Acts : Indian Penal Code (IPC) - Sections 500

Appeal No. : Crl. Rev. P. 418/2004

Appellant : Daljit Singh Narula

Respondent : State and ors.

Advocate for Def. : V.K. Malik, Adv.

Advocate for Pet/Ap. : K.B. Andley, Sr. Adv. and; M.L. Yadav, Adv

Disposition : Petition allowed

Judgement :

R.S. Sodhi, J.

1.This Revision Petition is directed against the order dated 17th April, 2004, of the learned Additional Sessions Judge, Delhi in CR No. 290/03, whereby the learned Judge has dismissed the complaint holding that the summoning order is bad.

2.The brief facts of the case, as has been noted by the learned Additional Sessions Judge, are as under:

'That a complaint case for the offences under Section 500 IPC was filed by Respondent Daljit Singh Narula against the revisionists Mohinder Singh Chhabra, Mohinder Kaur, Amandeep Kaur, Bhupinder Singh @ Inderjeet Singh and after the pre summoning evidence, led by the complainant/respondent Daljit Singh Narula, the Ld.Trial Court was pleased to take cognizance against the revisionists under Section 500 IPC. Vide impugned order, the Ld.Trial court directed for framing of the notice against the revisionists for the offence under Section 500 IPC.

3. It is contended by Counsel for the Petitioner that the learned Judge at a stage prior to framing of charge has interfered in a matter and has appreciated the entire evidence as if it were the evidence lead during the trial. He submits that such an evaluation of material is not permissible in a revision.

4. Counsel for the Respondent on the other hand contends that even the order issuing process is revisable.

5. Heard counsel for the parties and have gone through the order under challenge. It appears to me that the order summoning the accused was made about four years prior and that the same was not challenged. It is only the order directing framing of charge which appears to have been challenged by way of a revision. This, to my mind, is not a revisable order. The Revisional Court should not have and cannot appreciate material or evaluate the same as it were evidence advanced at the trial. What has been done by the Trial Court and rightly so, is that it had evaluated the material on record to come to a conclusion that it is sufficient to issue process. Interference with this Order by the learned Additional Sessions was wrong. In that view of the matter, I set aside the order dated 17th April, 2004.

6. Crl.Rev.P. 418/2004 is accordingly allowed and disposed of.