

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
			C482 No.2092 of 2023 <u>Hon'ble Sharad Kumar Sharma, J.</u> Mr. Naman Kaboj, learned counsel for the applicant. Mr. V.K. Gemini, learned Deputy Advocate General for the State. It has been a common feature often under debate, that the applicants under C482 Application, are challenging the summoning orders as well as the chargesheets at a much belated stage after couple of years as there is no bar of limitation for its challenge. The ground taken therein mostly is that the summons were not served. This Court does not visualize any justified reason of non-service of summons, when the summons have been shown to have been issued by the Court. The Court in the order sheets has observed, that the accused was absent and the inference thereof would be drawn is that the observations made by the Court itself that the accused was served with the notices with regards to the summoning order issued as back as on 29.03.2017. If a litigant is not diligent enough to participate in the proceedings by responding to the summoning order and waiting till the

		proceedings matures at the stage of framing of the charge and then putting, a belated challenge to the summoning order and that too after six years of its issuance, these frivolous litigations should be deprecated and curbed by the High Court, and not to interfere, where is apparent dereliction in not challenging the orders with the reasonable time. Merely, because of the fact, that law does not prescribe a limitation to institute, C482 Application, giving a belated challenge to the summoning order, that does not give a licence or a leverage to the applicant to choose the forum of C482 Application, according to his whims and choices by challenging the summoning order after six years of the proceedings, thereby intentionally delaying the proceedings before the trial Court. The argument extended by the learned counsel for the applicant with regards to the explanation of delay is in the context of paragraph no.8 of the C482 Application, wherein he has pleaded that since he had been transferred to District Pauri, he couldn't get the knowledge of the proceedings of Criminal Case No.1684 of 2017 till September, 2023. This pleading raised itself in paragraph no.8 of the C482 Application is not sustainable, for the reason being, that if the order sheet
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		itself is taken into consideration in its entirety, after the issuance of the summoning order, on the first date, the Court has observed that the accused was absent. Thereafter, a fresh summons was issued on several dates, he didn't respond to it.
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The observation made in the order of 14.07.2017, that the accused was absent, infers service and knowledge of the proceedings and, thereafter, receiving issuance of the fresh summoning order and not responding to it, its only an articulated weapon, which has been developed by the litigant to avoid participation in the proceedings by not diligently participating in the same, where there is a probable prosecution being carried against him.

The Courts are only meant for those litigants, who are diligent to pursue their rights before the Court reasonably within the prescribed period.

In fact, the logic, as it has been argued by the learned counsel for the applicant pertaining to non-receipt of summons, is not acceptable by this Court. Because, if the order sheet is taken into consideration in its entirety, there are as many as 4-5 orders, whereby the summons are issued afresh, but the applicant has not responded.

This Court cannot perceive or visualises

			any logical reason that when the Courts have issued summons on several occasions and still the applicant did not respond to the proceedings, he cannot be permitted to take the liberty that since he was officially transferred to Pauri, he did not have the knowledge of the proceedings. The belated challenge, given to the summoning order itself, is maliciously motivated to delay the proceedings. Hence, on this count itself, I do not find any reason to interfere in this C482 Application where a belated challenge has been given after 6 years. The same is, accordingly, dismissed. (Sharad Kumar Sharma, J.) 20.10.2023 Sukhbant
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