

**260 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRA S-3745-SB of 2015. (O&M).

Decided on: 8.12.2015.

Pardeep Kumar

... Appellant

Versus

State of Haryana and another

... Respondents

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. Vikram Punia, Advocate,
for the appellant.

Ms. Neelam Kashyap, DAG, Haryana.

Mr. S.K. Garg, Sr. Advocate with
Mr. Naveen Gupta, Advocate,
for respondent No.2.

JITENDRA CHAUHAN.J.(ORAL)

The appellant, who was the complainant in FIR No. 9 dated 26.2.2014 under Sections 7,9,11 and 13 of the Prevention of Corruption Act, 1988 registered at Police Station Vigilance Bureau, Rohtak, did not support the case of the prosecution and was declared hostile. It was one of the grounds for acquittal of respondent No.2.

The appellant is presently lodged in District Jail, Kurukshetra.

After the notice of motion had been issued, the application duly attested by the Deputy Superintendent of Jail, Kurukshetra has been filed in the Court wherein, the appellant has

prayed for withdrawal of the present appeal. The conduct of the

appellant in not supporting the case of the prosecution and in filing the present appeal and withdrawal thereof after the notice of motion was issued speaks about the credibility and character of the appellant. In response to the notice of motion order, the learned Senior counsel has caused representation. Being the complainant, not supporting the case of the prosecution and subsequently filing and withdrawing the present appeal is a gross misuse of the Court process. Accordingly, the present appeal is dismissed subject to costs of Rs.2 lacs to be paid within one month from today. The costs shall be deposited with the High Court of Punjab and Haryana Middle Income Group Legal Aid Scheme/High Court Legal Services Committee. If the cost is not paid, the proceedings under the appropriate law to execute the order of this Court be initiated against the appellant.

8.12.2015.
SN

(JITENDRA CHAUHAN)
JUDGE