

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-10266 of 2014

Date of Decision: 3.7.2015

Hakam Singh and Others

... Petitioner(s)

Versus

State of Haryana and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Darshan Singh.

Present: Mr. O.P.S.Tanwar, Advocate
for the petitioner(s).

Mr. Rajiv Doon, Assistant Advocate
General, Haryana for respondents No.1 & 2.

Mr. B.S.Bedi, Advocate
for respondents No.3 to 19.

Darshan Singh, J.

1. Learned counsel for the petitioner has pleaded that the conditional order under Section 133 of the Code of Criminal Procedure, 1860 (hereinafter referred to as "Cr.P.C.") has been passed without complying with the mandatory provisions of Cr.P.C. He further contended that now the Sub Divisional Magistrate, Thanesar is going to implement this order without complying with the mandatory provisions of Sections 134 to 138 Cr.P.C.

2. Learned counsel for respondents No.3 to 19 has stated that the present petition may be disposed of by directing the Sub Divisional Magistrate, Thanesar to proceed further after complying with the provisions of Section 134 Cr.P.C. onwards.

3. This fact is not disputed that the order challenged by the

petitioner is only a conditional order. The service of this order is not disputed as he has preferred the revision against it and has also filed the present petition. After the service of the conditional order under Section 133 Cr.P.C., the learned Magistrate is required to follow the provisions of Section 134 Cr.P.C. onwards for passing the final order.

4. In view of above, the present petition is hereby disposed of with a direction to the Sub Divisional Magistrate, Thanesar to comply with the mandatory provisions of Section 134 Cr.P.C. onwards for the conclusion of these proceedings. As the present proceedings are pending for the last more than one year, the Sub Divisional Magistrate shall make every endeavour to dispose it of expeditiously, preferably within a period of six months. The parties, through their counsel, are directed to appear before the learned Magistrate on 10.7.2015.

(Darshan Singh)
Judge

July 3, 2015

“DK”