

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.36013 of 2014 in/and
CRM No.M-16862 of 2012 (O&M)
Date of Decision: February 12, 2015

Shankar Singh

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Arun Nehra, Advocate
for the petitioner.

Mr.Varun Sharma, Asstt. Advocate General, Punjab
for the respondent-State.

INDERJIT SINGH, J.**CRM No.36013 of 2014**

The application is allowed subject to all just exceptions.

Annexure P-15 is taken on record.

CRM No.M-16862 of 2012

Petitioner has filed this petition under Section 482 Cr.P.C.
for quashing of order dated 18.01.2012 passed by learned Addl.
Sessions Judge, Moga and orders dated 27.11.2010, 02.02.2011 and
12.03.2011 passed by learned Chief Judicial Magistrate, Moga.

Notice of motion was issued and learned State counsel
appeared, filed reply and contested the petition.

I have heard learned counsel for the petitioner as well as

learned State counsel and have gone through the record.

From the record, I find that in the criminal complaint filed by Govt. Food Inspector against Shankar Singh, a sample of the refined cottonseed oil was taken, which was sent for analysis. Accused Shankar Singh filed an application before the Court for sending second sample to the Central Food Laboratory by naming it as 'palm oil' as it was his case that it was not 'refined cottonseed oil' rather, palm oil. The application for clarification etc. was already filed before the Court. The Court allowed the application for sending the second sample but did not allow the relief that the sample should be sent under the name of 'palm oil'. Against the orders passed by learned CJM, Moga, two revisions were filed. Learned Addl. Sessions Judge, Moga vide order dated 18.01.2012 dismissed both the revisions petitions while finding that no illegality has been committed by the trial Court.

First of all, I find that the petitioner has already availed the remedy by way of revisions before the Sessions Court and the revision petitions have already been dismissed. Now, present proceedings under Section 482 Cr.P.C. for quashing order passed in the revision petitions, amounts to filing of second revision petition, which is not permissible as per Section 397(3) Cr.P.C. The perusal of the orders dated 27.11.2010, 02.02.2011 and 12.03.2011 passed by learned CJM, Moga shows that there is no illegality in the orders. Similarly, the order passed in the revision petitions, is also correct and as per law and in no way, the orders passed by the Courts below can

be held as illegal or the orders resulted to miscarriage of justice.

As per the record, the case of the complainant from the very beginning is that the refined cottonseed oil was purchased by the Food Inspector and it was refined cottonseed oil. The petitioner has placed on the record Form No.6, which was prepared at that time and also bears the signatures of Shankar Singh, which shows that article purchased is refined cottonseed oil. Learned counsel for the petitioner argued that there are signatures of petitioner Shankar Singh in Hindi on this form but Shankar Singh is an illiterate person and cannot sign. As regarding this argument, I find that the Vakalatnama attached with this petition is signed by Shankar Singh and in Hindi and on the face of it, signatures looks as similar as that on form No.6. As regarding the fact that whether it was palm oil or sample has not been sealed in the presence of the petitioner, all these are defences of the petitioner and are to be proved by him in defence evidence. At this stage, when the trial is going on, these defences cannot be decided.

In view of the above discussion, I find that the orders passed by the Courts below are correct, as per law and do not require interference from this Court.

Therefore, finding no merit in the present petition, the same is dismissed.

February 12, 2015
Vgulati

(INDERJIT SINGH)
JUDGE