

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

**Crl. Misc. No. M-210 of 2015 (O&M)  
Date of Decision: 15.01.2015.**

Suman

.....Petitioner

Vs.

State of Haryana and others

.....Respondents

**CORAM: HON'BLE MRS. JUSTICE SABINA**

Present: Mr. Surinder Gaur, Advocate  
for the petitioner.

.....

**SABINA, J.**

Petitioner has filed this petition under Section 482 of the Code of Criminal Procedure, 1973 challenging the order dated 27.10.2014 (Annexure P-1) whereby evidence of the prosecution was closed and order dated 1.12.2014 (Annexure P-2) whereby revision petition filed by the petitioner against the order dated 27.10.2014, was dismissed.

Learned counsel for the petitioner has submitted that petitioner was a victim and will be adversely effected by the impugned order. It was for the prosecution to examine the witnesses. Petitioner could not be made to suffer for the inaction on the part of the prosecution. Petitioner was only interested in a fair and just decision of his case. In support of his arguments, learned counsel for the petitioner has placed reliance on the decision of this Court in Criminal Misc. No. M-8143 of 2011 dated 23.1.2013.

In the present case, accused are facing trial in FIR

No. 91 dated 28.3.2009, under Section 323, 452, 506, 34 of the Indian Penal Code, 1860, registered at the instance of the petitioner at Police Station Shivaji Colony, Rohtak.

Impugned order dated 27.10.2014 (Annexure P-1) reads as under:-

*“No PW is present. Summons issued to PWs not received back either served or otherwise. Learned APP for the state requested for an adjournment, which is strongly opposed by learned defence counsel. Perusal of the case file reveals that the prosecution has already availed many effective opportunities including the last opportunity. Further adjournment seems not justified. In these circumstances, this court is left with no option except to close the evidence of prosecution by court order. I order accordingly. Now to come up on 5.11.2014 for recording the statement of accused under section 313 Cr.P.C.”*

Thus, in the present case, numerous opportunities were granted to the prosecution to conclude its evidence but it had failed to do so. In these circumstances, left with no other option, the Trial Court has passed the impugned order. Revision petition filed by the petitioner against the said order was dismissed vide order dated 1.12.2014 (Annexure P-2). The judgment relied upon by the learned counsel for the petitioner fails to advance the case of the petitioner as it is based on different facts.

It is a settled proposition of law that the petitioner cannot invoke jurisdiction of this Court under Section 482

Cr.P.C. after dismissal of his revision by the Sessions Court as it would amount to a second revision. However, in a case of grave injustice, this Court can interfere under Section 482 Cr.P.C.

In the present case, no grave miscarriage of justice has occurred which would warrant interference by this Court under Section 482 Cr.P.C.

Keeping in view the facts and circumstances of the present case, no ground for interference is made out.

Dismissed.

**(SABINA)  
JUDGE**

**January 15, 2015**  
***Gurpreet***