

124 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM No.M-2490 of 2015
Date of Decision: January 27, 2015

Anita Kumari @ Anita Rani Petitioner

vs.

State of Punjab and others Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Mohinder Kumar, Advocate for the petitioner.

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment?*
- 2. To be referred to the Reporters or not?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldip Singh J.(Oral)

Impugned in the present petition filed under Section 482 of the Code of Criminal Procedure, 1973 (in short 'Cr.P.C.'), is the order dated 09.01.2015 passed by learned Judicial Magistrate 1st Class, S.B.S. Nagar, vide which the application filed by the petitioner under Section 311 Cr.P.C. for summoning of four witnesses to prove certain bills, was dismissed.

The brief controversy is that the petitioner had lodged FIR No.148, dated 19.12.2007, under Sections 498-A of the Indian Penal Code, 1860 (in short 'IPC'), registered at Police Station Rahon, District S.B.S. Nagar against the accused.

Learned counsel for the petitioner states that the charges have been framed under Section 498-A IPC. However, he is not sure whether the charges under Section 406 IPC have been framed or not.

The petitioner filed an application on 19.12.2014 under Section 311 Cr.P.C. for summoning four shopkeepers to prove the bills regarding purchase of some of dowry articles.

A perusal of the impugned order shows that at that time the entire prosecution evidence was complete. The learned Judicial Magistrate 1st Class, S.B.S. Nagar, vide impugned order dated 09.01.2015 dismissed the said application filed by the petitioner and also closed the prosecution evidence by order.

I have heard learned counsel for the petitioner and have also carefully gone through the case file.

Learned counsel for the petitioner stated at bar that the charges have been framed under Section 498-A IPC but he is not sure whether the charges are also framed under Section 406 IPC. Thus, he has failed to show that the prayer made in the application under Section 311 Cr.P.C. is relevant to decide the controversy involved in this case. Further, the trial was going on for the last seven years and the entire prosecution evidence was complete and was closed by order. The present application under Section 311 Cr.P.C. was filed just to drag the trial for some more time.

Learned Judicial Magistrate 1st Class. S.B.S. Nagar, discussed some portion of the statements of the witnesses of the complainant, in which she raised doubts about the genuineness of the aforesaid bills. Since these bills are not relevant to decide the controversy. Therefore, it is not material evidence and the application under Section 311 Cr.P.C. was rightly declined by the learned Judicial Magistrate 1st Class, S.B.S. Nagar.

No ground.

Dismissed.

January 27, 2015
sarita

(KULDIP SINGH)
JUDGE