

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

**Criminal Misc. No.M- 25105 of 2015 (O&M)
Date of Decision: July 31, 2015**

Manish Kapoor

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Deepender Singh, Advocate
for the petitioner.

ANITA CHAUDHRY, J.

This petition is for quashing the orders dated 06.07.2015 and 16.07.2015, passed by Judicial Magistrate, Ist Class, Gurgaon in FIR No.126 dated 05.06.2012, registered under Sections 323/506 IPC at Police Station DLF Phase-II, Gurgaon.

Heard.

The counsel for the petitioner contends that they have placed on record all the zimni orders which give details of the proceedings conducted in the trial. He refers to order Ex.P1 to P3 and urges that the Court had directed that the prosecution evidence would be closed on the next hearing automatically and had fixed the matter for the statement of the accused under Section 313 Cr.P.C. but on the next day the same order was repeated and the Court could not review its order and the evidence should have been closed and the statement of the accused should have been recorded.

The zimni orders placed on record shows that the trial Court is adjourning the case, though giving short adjournments. In May, 2015, it had noted that several opportunities including last opportunity had been granted. The case was adjourned to 29.05.2015 for recording the statement under Section 313 Cr.P.C. but liberty was also given to the State to call any witness and in the alternative it was ordered that if evidence was not produced, the evidence would automatically be deemed to be closed. Even after that order was passed in May, 2015, the Court is still adjourning the case and same order is being repeated.

If the Court was of the opinion that sufficient opportunities had been granted then it should have closed the evidence and should have proceeded to the next stage. The matter should not have been adjourned again and again in the manner it is being done. The case is stated to be now fixed for 03.08.2015. The trial Court would proceed to examine the evidence if the prosecution produces its witnesses and proceed as per law.

The petition is disposed of.

(ANITA CHAUDHRY)
JUDGE

July 31, 2015
sunil