

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.M-29509 of 2015

Date of Decision: September 04, 2015

Arvinder Kaur

...Petitioner

VERSUS

Harjit Singh Kataria

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGHPresent: Mr.Anterpreet Singh, Advocate
for the petitioner.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. for quashing of order dated 10.03.2015 passed by learned Judicial Magistrate Ist Class, Amritsar, vide which the application filed by the petitioner for summoning additional witnesses was dismissed and also the judgment dated 17.08.2015 passed by learned Addl. Sessions Judge, Amritsar, vide which the revision filed by the petitioner challenging the order dated 10.03.2015 was dismissed.

I have heard learned counsel for the petitioner and have gone through the record.

From the record, I find that an application was filed by the present petitioner under Section 311 Cr.P.C. for producing two witnesses namely Rasbir Singh and Buta Ram. It is stated in the application that the factum of solemnization of the marriage of the complainant, demand of more dowry articles and non-return thereof in spite of its demand, was in the knowledge of relatives and family

friends including Rasbir Singh and Buta Ram, who were present on the occasion. The respondents contested the application and learned JMIC, Amritsar, after hearing the parties, dismissed the application vide impugned order dated 10.03.2015.

I have gone through the impugned order passed by learned JMIC, Amritsar. It is stated in the order that charges were framed on 24.02.2012 and after that ample opportunities have been granted to the complainant to conclude the entire evidence. On 19.09.2012, the evidence of the complainant was closed by order. Statement of accused under Section 313 Cr.P.C. was recorded on 04.10.2012 and since then the case is going on at stage of defence evidence. It is also held that in the application, the complainant did not explain anything as to how Rasbir Singh and Buta Ram are necessary witnesses. The complainant also did not explain that why she remained silent about these witnesses when the case was at the stage of pre-charge evidence. If these witnesses were necessary, then it was the duty of the complainant to examine them especially when these witnesses were already in the knowledge of the complainant. It is further held in the order that complainant has filed the application after two years but no reason has been explained regarding the delay. It is also in the order that earlier also complainant has filed an application under Section 311 Cr.P.C. which has been dismissed upto this Court (High Court).

The perusal of the order passed by learned JMIC, Amritsar, itself shows that it is legal and as per law. No illegality has

been committed by learned JMIC, Amritsar while passing the impugned order and it does not amount to miscarriage of justice.

As the order under Section 311 Cr.P.C. is an interlocutory order, therefore, the revision was not maintainable against this order. So, even if the judgment dated 17.08.2013 passed by learned Addl. Sessions Judge, Amritsar is not taken into consideration, even then the order passed by learned JMIC Amritsar, is correct and as per law. The complainant has not challenged the order vide which the complainant's evidence has been closed by order. There is also nothing that these witnesses, who were in the knowledge of the complainant, were not examined when the complainant was already producing the evidence. Earlier also, an application was filed, as argued by learned counsel for the complainant-petitioner, asking for examining of other witnesses and that has also been dismissed upto to this Court (High Court). Filing of another application by naming other witnesses, is nothing but abuse of process of the law. Learned JMIC, Amritsar has correctly dismissed the application as per law.

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

However, as the statement of the accused under Section 313 Cr.P.C. has already been recorded on 04.10.2012 as stated in the impugned order, and this case is unnecessarily delayed by the complainant by filing applications, therefore, the trial Court is directed to decide the case expeditiously.

September 04, 2015

Vgulati

**(INDERJIT SINGH)
JUDGE**