

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-32842 of 2015

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Date of decision:30.9.2015

Hardip Singh

...Petitioner

v.

State of Punjab and others

...Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. G.S. Sirphiki, Advocate for the petitioner.

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Inderjit Singh, J.

The petitioner has filed this petition under Section 482 Cr.P.C. praying for quashing of the impugned order dated 10.9.2015 (Annexure-P.17) passed by the learned Additional Sessions Judge, Gurdaspur in case No.44 dated 3.9.2015, vide which the learned Additional Sessions Judge has not stayed the proceedings before the learned trial Court in FIR No.258 dated 16.8.2005 registered for the offences under Sections 420, 467, 468 and 471 IPC registered at Police Station City Batala, District Gurdaspur, during the pendency of the criminal revision petition.

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

From the record, I find that the petitioner filed an application under Section 319 Cr.P.C. for summoning respondents No.2 and 3 herein as

additional accused as per the statement of Hardip Singh PW-1. The learned trial Court vide its order dated 5.8.2015 dismissed the application and the additional accused were not summoned. Aggrieved from its order, revision petition was filed, which is pending before the learned Additional Sessions Judge, Gurdaspur.

The learned Additional Sessions Judge though admitted the revision petition by stating that there are arguable points but the application for staying the proceedings before the learned trial Court was dismissed. This was a criminal revision petition and in the criminal revision petition, the Court is to see that any illegality has been committed by the Court below. The revisional Court has the discretion to stay the proceedings or to decline the request. In the present case, the application filed under Section 319 Cr.P.C. against the present respondents has been dismissed by the trial Court. The mere filing of revision petition or admission of revision petition in itself is no ground for grant of stay. It is for the Court concerned to come to the conclusion, after going through the record, to stay the proceedings before the trial Court or not.

Learned counsel for the petitioner only argued that as the revision petition has been admitted by the learned Additional Sessions Judge by saying that there are arguable points, therefore, the proceedings before the trial Court are to be stayed. I find no merit in the argument. It is the discretion of the Court to stay the proceedings or not to stay the proceedings in the facts and circumstances of the case.

Otherwise also, the respondents in the revision petition have

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not been summoned and notice has been given to them and the Court has simply declined the request to stay the proceedings at the preliminary stage.

Therefore, after going through the record, I do not find that any illegality has been committed or any miscarriage of justice has taken place by passing the impugned order by the learned Additional Sessions Judge, Gurdaspur.

Therefore, finding no merit in this petition for quashing, the same is dismissed.

September 30, 2015.

(Inderjit Singh)
Judge

hsp