

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM M-3356 of 2015

Date of Decision: February 2, 2015

Ilias

.....Petitioner

Vs.

State of Haryana and ors.

.....Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI.

-.-

Present:- Mr.Jamshed Ahmed, Advocate
for the petitioner.

-.-

M.M.S. BEDI, J. (ORAL)

There is a controversy regarding the nature of the injury alleged to have been received by victim Samsudin son of Sitab Singh.

Both the parties have been approaching the administrative authorities for direction for medical opinion. Earlier offence under Section 307 IPC has been deleted, now it has been added.

This petition has been filed by accused claiming that a representation annexure P-7 is pending before D.C., Mewat. A direction can be given to an Administrative or Supervisory Authority in case of violation of any statutory duty or for any action which is required under law.

Counsel for the petitioner has not been able to satisfy this Court regarding the statutory duty of a District Magistrate to issue directions as sought for by the petitioner. It is also debatable as to whether an accused can move an application in the circumstances of the present case for constitution of a second board during the course of investigation which is undertaken by the police as per the provisions of Section XII of Cr.P.C.

Notice of motion to Advocate General, Haryana.

On the asking of the Court, Mr. M.S. Sidhu, Addl.A.G., Haryana, accepts notice. Copy given.

Leaving all the above said propositions of law and fact open, this petition is disposed of with an observation that the District Magistrate, Mewat will look into annexure P-7 at his own level taking into consideration the legal and factual situation and pass any appropriate order as per the jurisdiction vested with him within a period of one month after the receipt of certified copy of the order.

Februar 2, 2015
sanjay

(M.M.S.BEDI)
JUDGE