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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-34878-2015

Date of Decision : October 12th, 2015

Harnek Singh

.... Petitioner

Versus

Satnam Singh Kanda and others

.... Respondents

CORAM : HON'BLE MR. JUSTICE SHEKHER DHAWAN.

Present Mr.Karanjit Singh, Advocate,
for the petitioner.

SHEKHER DHAWAN, J.

Present petition under Section 482 of the Code of Criminal Procedure for setting aside order dated 8.1.2015 [Annexure P/1] passed by Judicial Magistrate Ist Class, Amrisar vide which pre-charge evidence of the complainant was closed by Court. The petitioner has also challenged order 16.7.2015 [Annexure P/2] passed by learned Additional Sessions Judge, Amritsar vide which revision petition filed by the petitioner was dismissed.

Relevant facts of the case, that a Complaint Case under Sections 307, 326, 323, 324, 452, 454 and 34 IPC was filed by the petitioner-complainant in the Court of Judicial Magistrate Ist Class, Amritsar against the respondents on 17.4.2008. The accused persons were summoned vide order dated 10.9.2009. The matter was posted for pre-

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charge evidence on 29.7.2013. The matter remained pending before the Magistrate till 27.11.2014 and by then, only statement of Harnek Singh, petitioner herein, was recorded. During the process, 25 opportunities were granted to the complainant to complete the pre-charge evidence, but he failed to complete the same and as such, pre-charge evidence was closed by Court's order. The said order was challenged by the petitioner and the revision petition filed by him was dismissed by learned Sessions Judge, Amritsar vide order dated 16.7.2015.

At this stage, there is absolutely no ground for setting aside the orders dated 8.1.2015 and 16.7.2015 passed by the Courts below. The complainant has already availed more than reasonable opportunities and the matter lingered on because of the casual attitude of the petitioner to lead the pre-charge evidence. The Court of Magistrate was left with no other option except to pass the impugned order, dated 8.1.2015. There is absolutely no illegality in the order dated 16.7.2015 passed by learned Additional Sessions Judge, Amritsar. Both the Courts below have rightly exercised the powers legally vested in them. Finding no merit in the present petition, the same stands dismissed *in limine*.

(SHEKHER DHAWAN)
JUDGE

October 12th, 2015
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