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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-34954-2015

Date of Decision : October 12th, 2015

Gursharandeep Singh @ Santi

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE SHEKHER DHAWAN.

Present Mr.D.S.Pheruman, Advocate,
for the petitioner.

SHEKHER DHAWAN, J.

Present petition under Section 482 of the Code of Criminal Procedure for quashing of order framing charge dated 17.4.2013 passed by Special Judge, Fatehgarh Sahib whereby charge was ordered to be framed for commission of offence punishable under Sections 21 and 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

Learned counsel for the petitioner submitted that the order dated 17.3.2013 is an interlocutory order, hence the appeal against the said order is not maintainable and only the revision or the present petition under Section 482 Cr.P.C. could be filed. In support of his contention, reliance has been placed upon a decision of Hon`ble Supreme Court in **V.C.Shukla Vs. State through CBI, 1980 AIR [SC] 962.**

While arguing on the point of limitation, learned counsel for the petitioner submitted that in such like cases, no limitation is prescribed

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when petition has been filed under Section 482 Cr.P.C. by invoking inherent jurisdiction of this Court.

In **Krishan Vs. State of Haryana, 2002[2] RCR [Criminal] 23**, a co-ordinate Bench of this Court has held that though no limitation has been prescribed in invoking the inherent powers under Section 482 Cr.P.C., but such a petition should be filed within a reasonable time and the reasonable time has been held to be 90 days.

Having considered the submissions made by learned counsel for the petitioner, this Court is of the view that there is no dispute on the point that against the interlocutory order, dated 17.4.2013, appeal was not maintainable. However, the order under challenge was passed way back on 17.4.2013 and if at all, the petitioner was aggrieved against the said order by way of present petition also, the same must have been filed within a period of limitation or at least within a reasonable period. That has not been done. The present petition, thus, stands dismissed in limine.

(SHEKHER DHAWAN)
JUDGE

October 12th, 2015
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