

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.M-3663 of 2015

Date of Decision: February 05, 2015

Prem Masih

...Petitioner

VERSUS

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Yogesh Goel, Advocate
for the petitioner.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. for quashing of impugned order dated 23.01.2015 passed by learned Judicial Magistrate Ist Class, Ludhiana thereby closing the prosecution evidence in case FIR No.17 dated 12.01.1996 under Sections 420, 467, 468, 471 and 120-B IPC registered at Police Station Division No.5, Ludhiana with further prayer to grant one opportunity to lead prosecution evidence.

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

From the record, it is clear that FIR has been registered in the year 1996 under Sections 420, 467, 468, 471 and 120-B IPC. Since then, the criminal trial is pending against the accused. All the offences are triable by learned JMJC. As per the impugned order, the charge has been framed on 17.01.2000 and the interim order shows that earlier the proceedings were stayed and later on in the year 2005,

the matter was sent back. In the impugned order, learned JMIC, Ludhiana has written that the prosecution has availed 87 effective opportunities to lead evidence. There is nothing in the petition that this observation of learned JMIC, Ludhiana is incorrect. There is also nothing in the petition that actually much less opportunities have been given to the prosecution to complete the evidence.

Learned counsel for the petitioner mainly argued that application under Section 311 Cr.P.C. has been allowed to prove certified copy of judgment and decree and the notice to the complainant was not given and the Court has closed the prosecution evidence after just providing 2-3 opportunities. This argument of learned counsel for the petitioner, again has no merit. If the application under Section 311 Cr.P.C. has been allowed to prove the copy of judgment and decree of the Civil Court, there is no need to give the notice to complainant to prove the same. These documents are per se admissible and Public Prosecutor can tender these documents in the evidence. Rather, these documents should have been produced along with application under Section 311 Cr.P.C.

In view of the above discussion, I find that impugned order dated 23.01.2015 passed by learned JMIC, Ludhiana is correct, as per law and does not require interference from this Court.

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

February 05, 2015
Vgulati

(INDERJIT SINGH)
JUDGE