

238 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM No.M-37644 of 2014

Date of Decision: February 05, 2015

Shamsher Singh

.... Petitioner

vs.

Smt. Tejo Devi and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Rajesh Goyal, Advocate, Advocate for
Mr. Pritam Saini, Advocate for the petitioner.

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment?*
- 2. To be referred to the Reporters or not?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldip Singh J.(Oral)

The petitioner has filed this petition under Section 482 of the Code of Criminal Procedure, 1973 (in short 'Cr.P.C.') for quashing order dated 27.03.2012 (Annexure P-5) passed by learned Sub Divisional Judicial Magistrate, Thanesar, on the application filed under Section 133 Cr.P.C. and the order dated 07.08.2014 (Annexure P-7) passed by learned Addl. Sessions Judge, Kurukshetra, vide which the revision filed by the present petitioner was dismissed.

Briefly stated the present petitioner in his application under Section 133 Cr.P.C., alleged that the respondents have constructed *khurli* and bathroom in the thorough fare due to which the passage of ingress and egress to his house was closed. The learned Sub Divisional Judicial Magistrate, Thanesar after recording

the evidence, himself visited the spot and came to the conclusion that there is no such obstruction. It was found that the residential house and cattle shed of the present petitioner abuts the street. There was no nuisance at the spot nor it there any hindrance to anyone in the ingress and egress.

The aforesaid order was challenged by way of revision before the learned Addl. Sessions Judge, Kurukshetra and the same was upheld.

I have heard learned counsel for the petitioner and have also carefully gone through the case file.

Learned counsel for the petitioner has placed reliance upon the judgment of this Court in case of ***“Ram Lal vs. State of Haryana”, 2002(2) R.C.R. (Criminal) 840.***

The facts and circumstances of the case show that in this case, learned Sub Divisional Judicial Magistrate, Thanesar, himself visited the spot and noticed aforesaid facts. The present case is nothing but the revision against the revision. Therefore, I do not find any ground to interfere in the impugned order passed by learned Sub Divisional Judicial Magistrate, Thanesar, as well as the order passed by the learned Addl. Sessions Judge, Kurukshetra.

Thus, the present petition is dismissed.

(KULDIP SINGH)
JUDGE

February 05, 2015
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