

In the High Court of Punjab and Haryana at Chandigarh

.....

Criminal Misc. No.M-974 of 2015

.....

Date of decision:14.1.2015

State of Haryana

...Petitioner

v.

Lt. Col. Bhagwan Singh

...Respondent

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Deepak Grewal, Deputy Advocate General, Haryana for
the petitioner-State.

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Inderjit Singh, J.

The petitioner has filed this petition under Section 482 Cr.P.C. to quash the impugned order dated 7.4.2014 passed by learned Additional Sessions Judge, Gurgaon and the order dated 25.3.2014 passed by learned Judicial Magistrate Ist Class, Gurgaon, whereby evidence of the prosecution has been closed by the Court orders.

I have heard learned Deputy Advocate General, Haryana for the petitioner-State and have gone through the record.

From the record, I find that as stated in the impugned order dated 25.3.2014 passed by the learned Judicial Magistrate Ist Class, Gurgaon, the case is 18 years old and it is also stated in this order that the case pertains to the year 1998 in which the charge was framed against the accused facing the trial on 29.9.2005 and for the first time, last

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opportunity after giving nine effective opportunities to the prosecution was granted on 31.7.2008. Thereafter, after giving 33 opportunities to the prosecution, the evidence of the prosecution was closed on 22.10.2012, against which revision was accepted and now after having availed 60 opportunities the adjournment is being again requested.

The learned Judicial Magistrate Ist Class, Gurgaon by discussing all these facts in minute detail and the proceedings declined further adjournment. A perusal of the record especially, the impugned order shows that no illegality has been committed by the learned Judicial Magistrate Ist Class, Gurgaon by closing the evidence of the prosecution by order. There is no justification for further adjournment nor there is any explanation as to why the prosecution had failed to complete the evidence in so many years and after availing more than 60 opportunities. Therefore, the impugned order passed by the learned Judicial Magistrate Ist Class is correct and as per law. No illegality has been shown in the impugned order. The accused has also a right of expeditious trial. The trial cannot be kept pending for unlimited period. In no way, it can be held that by impugned order miscarriage of justice has taken place.

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

January 14, 2015.

(Inderjit Singh)
Judge

hsp