

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Revision No.1596 of 2014 (O&M)

.....

Date of decision:4.11.2015

Mehtab

...Petitioner

v.

Ravinder and others

...Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Balraj Gujjar, Advocate for the petitioner.

Mr. R.A. Sheoran, Advocate for respondents No.1 to 8.

Mr. Anmol Malik, Assistant Advocate General, Haryana for
respondent No.9-State.

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Inderjit Singh, J.

This criminal revision petition has been filed under Section 401 Cr.P.C. for setting aside the impugned judgment dated 11.3.2014 passed by learned Additional Sessions Judge, Bhiwani, vide which the application filed under Section 319 Cr.P.C. for summoning of Ravinder, Raje Ram, Ramphal, Jai Singh, Jagdish, Satish, Sandeep and Sanjay-respondents No.1 to 8 as additional accused has been dismissed.

Notice of motion was issued in this case.

Mr. R.A. Sheoran, learned Advocate has put in appearance on behalf of respondents No.1 to 8 and Mr. Anmol Malik, learned Assistant Advocate General, Haryana has appeared on behalf of respondent No.9-State and contested this revision petition.

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

From the record, I find that as per impugned order dated 11.3.2014 passed by the learned Additional Sessions Judge, Bhiwani, the application filed under Section 319 Cr.P.C. for summoning respondents No.1 to 8 as additional accused has been dismissed. It is admitted by both the parties that the trial has already been completed and the challan case has already been decided by the trial Court.

Learned counsel for respondents No.1 to 8 has placed reliance on the judgment of this Court in Rakesh Kumar v. State of Haryana and others, 2013 (3) R.C.R.(Cr.) 913, in which this Court has held that if the application was dismissed by the trial Court giving cogent reasons, the revision petition filed against the order is pending before this Court and in the meantime main case was decided by the trial Court, it was held that the revision petition for summoning the additional accused is to be dismissed.

After going through this judgment, I find that a Co-ordinate Bench of this Court has discussed the judgment passed by the Hon'ble Supreme Court in Rajendra Singh v. State of U.P., 2007(3) R.C.R. (Cr.) 1022 and distinguished it by holding that in that case the additional accused had been summoned and the Supreme Court observed that the conclusion of

the trial cannot have effect nullifying the order of summoning of additional accused. In the above stated judgment passed by this Court, the Court has discussed above judgment of Hon'ble Supreme Court and held that this judgment is having distinguished facts. Also in the case in hand, the application filed under Section 319 Cr.P.C. was dismissed and summoning order has not been passed.

Therefore, keeping in view the above discussion, I find that this criminal revision petition has become infructuous with the decision of the trial, hence the same is dismissed.

November 4, 2015.

(Inderjit Singh)
Judge

hsp