

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRR No. 1975 of 2015 (O&M)
Date of Decision: 05.10.2015**

Sandeep Kalirawna

.....Petitioner

Vs.

Rohtash Solath

.....Respondent

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. Atul Yadav, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK J. (ORAL)

Present criminal revision petition is directed against the order dated 16.5.2015 passed by the learned Judicial Magistrate 1st Class, Hisar, whereby request made, at the instance of the petitioner, to declare his own witness namely Sh. Subhash Mittal as hostile, was declined by the learned trial court.

Learned counsel for the petitioner submits that witness namely Sh. Subhash Mittal, Advocate, misconducted himself and that was the reason that petitioner made a prayer before the learned trial court to declare him hostile. He further submits that since the impugned order is patently illegal, the same is liable to be set aside.

AMIT KUMAR
2015.10.08 09:50
I attest to the accuracy and
authenticity of this document

He prays for allowing the present petition.

Having heard the learned counsel for the petitioner at considerable length, after careful perusal of record of the case and giving thoughtful consideration to the arguments advanced, this Court is of the considered opinion that present one is not a fit case, warranting interference at the hands of this Court, while exercising its revisional jurisdiction, which itself is a limited one. To say so, reasons are more than one, which are being recorded hereinafter.

A bare reading of the impugned order would show that the learned trial court committed no error of law, while passing the impugned order. The learned Advocate who appeared as a witness on behalf of the petitioner deposed before the learned trial court only the truth. If some part of the statement of the said witness was likely to be read against the petitioner, the witness cannot be blamed for that. The learned Advocate wrote the pronote only on the asking of the petitioner. Although the pronote was scribed by the witness yet it was also signed by the petitioner.

Once the petitioner put his signatures on the pronote, knowing fully well about the language and tenor thereof, he cannot be heard to say, at a later point of time, that the said witness was deposing against him. In the circumstances of the case, it seems that petitioner has tried to turn dishonest at a later point of time and levelled false allegations against the said witness, who did nothing wrong, except to write the pronote and receipts and that too, on the asking of the petitioner himself. Having said that, this Court feels no hesitation to conclude that learned trial court was fully justified in

passing the impugned order and the same cannot be said to be illegal, in any manner, which deserves to be upheld, for this reason as well.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered opinion that present petition is misconceived, bereft of merit and without any substance. Thus, it must fail. No case for interference is made out.

Resultantly, present petition stands dismissed, however, with no order as to costs.

(RAMESHWAR SINGH MALIK)
JUDGE

05.10.2015
Ak Sharma