

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRR No.29 of 2014 (O&M)****Date of Decision: October 05, 2015**

Jagir Singh

...Petitioner

VERSUS

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

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

INDERJIT SINGH, J.

The present revision has been filed by the petitioner Jagir Singh against State of Punjab and other respondents, challenging the impugned orders dated 22.08.2013 and 27.08.2013 passed by learned JMIC, Jalandhar, vide which evidence of petitioner was closed and accused were discharged by the Court.

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

From the perusal of the record, I find that the accused were summoned under Sections 325, 323, 452, 427, 148 and 149 IPC by learned JMIC, Jalandhar on the basis of preliminary evidence. As per the impugned order dated 22.08.2013, since 21.10.2010, complaint case was fixed for pre-charge evidence and vide order dated 18.05.2013, it was adjourned to 21.05.2013 for pre-charge

evidence of the complainant subject to last opportunity but even despite availing 4 effective opportunities till that day (i.e. 22.08.2013), complainant failed to conclude his pre-charge evidence. Learned JMIC, Jalandhar also held in the order that case pertains to year 2007 and even on that day, complainant himself has not turned up to lead evidence and the pre-charge evidence of the complainant was closed by order on 22.08.2013. As per the impugned order dated 27.08.2013, learned JMIC, Jalandhar held that complainant has examined only one witness i.e. CW-1 Darshan Kaur partly and her remaining cross-examination was deferred but later on she also did not turn up. Therefore, the Court after going through the record held that it is a case of no evidence and accused have been discharged.

This is a revision petition and in the revision petition, this Court is to see whether any illegality has been committed by the Court below. The perusal of the record shows that no illegality has been committed by the Court below. From the lower Court record, I find that though accused have sought personal exemption on some of the dates but the complainant has also filed applications time and again asking for personal exemption. It would have been otherwise if the complainant had brought the witnesses but the witness could not have been examined due to personal exemptions of the accused. The record shows that complainant has nowhere produced any witness except CW-1 Darshan Kaur, who was partly examined and her further cross-examination was deferred as the Court time was over but later on she also did not appear for her cross-examination.

From the perusal of the record, especially the impugned orders passed by the Court below, I do not find that any illegality has been committed by the Court below. The impugned orders passed by learned JMIC, Jalandhar, are correct, as per evidence, law and do not require any interference from this Court and the same are upheld.

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

October 05, 2015
Vgulati

(INDERJIT SINGH)
JUDGE