

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

(1)

CRR-3349-2014(O&M)

Date of Decision: August 17, 2015.

LEELU RAM @ RAJINDER

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

(2)

CRR No.3373 of 2014 (O&M)

LEELU RAM @ RAJINDER

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM:- HON'BLE MR. JUSTICE M.M.S.BEDI

Present: Mr.R.N.Singal,Advocate
for the petitioner

Mr.D.R.Singla,DAG, Haryana

M.M.S.BEDI, J.(Oral)

This order will dispose of two revision petitions mentioned above, both filed by Leelu Ram @ Rajinder aggrieved by notice issued under Section 344(1) Cr.P.C., pursuant to judgment dated 07.08.2014.

Learned counsel for the petitioner has contended that notice cannot be issued under Section 344 Cr.P.C. as Court can not arrive at a

conclusion on the basis of statements under Section 161 Cr.P.C. as the said statements are not evidence. It is always open to the Court concerned after giving reasonable opportunity to show cause to exonerate a person whom the notice has been issued. Counsel has placed reliance on '**Omkar Namdeo Jadhao and others vs. Second Additional Sessions Judge, Buldana and another AIR 1997 Supreme Court 331**' and '**B.K.Uppal vs. State of Punjab 2015 RCR (CrL.)338**' in support of the contention that the issuance of notice under Section 344 Cr.P.C. is not sustainable in the eyes of law.

I have considered contentions of the learned counsel for the petitioner and I am of the view that the revision petitions are premature as the trial Court can always drop the proceedings on receipt of reply to the notice under Section 344 Cr.P.C. on the basis of judgment cited above. Both the judgements cited by learned counsel for the petitioner indicates that the proceedings under Section 340 Cr.P.C. had been initiated when the quashing was ordered.

The revision petitions are disposed of as pre-mature. It is ordered that it will be open to the trial Court to consider the reply in view of the above said judgments and drop the proceedings under Section 344 Cr.P.C.

August 17, 2015.
TSG

(M.M.S.BEDI)
JUDGE