

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-17155 of 2015

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Date of decision:25.2.2015

Ravinder Kaur

.....Petitioner

v.

State of Punjab and others

.....Respondents

....

Coram : Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. G.S. Bawa, Advocate for the petitioner.

Mr. Varun Sharma, Assistant Advocate General, Punjab
for the respondent-State.

Mr. Manjit Kaur, Advocate for Mr. Karamjit Singh, Advocate
for respondents No.2 and 3.

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Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. for setting aside/quashing the impugned judgment dated 24.2.2015 passed by learned Additional Sessions Judge, Amritsar (Annexure-P.5) and order dated 20.08.2013 passed by learned Judicial Magistrate Ist Class, Amritsar (Annexure-P.2) being illegal and against the settled principles of law.

Notice of motion was issued in this case.

Mr. Varun Sharma, learned Assistant Advocate General, Punjab has put in appearance on behalf of the respondent-State and Mr. Manjit

Kaur, Advocate has appeared for respondents No.2 and 3 and contested this petition.

I have heard learned counsel for the petitioner as well as learned Assistant Advocate General, Punjab and learned counsel for respondents No.2 and 3 and have gone through the record.

From the record, I find that a complaint was filed by Ravinder Kaur against Gangandeep Singh and Sukhjinder Singh-accused/ respondents for the offences under Sections 406, 420, 467, 468 and 471 IPC. As per the order dated 20.8.2013 passed by the learned Judicial Magistrate Ist Class, Amritsar, the complaint was fixed since 8.12.2011 for pre-charge evidence of the complainant, but till that order was passed, the complainant has not completed the evidence for pre-charge purposes i.e. for about one year and eight months.

Learned counsel for the petitioner has argued that as the complainant had suffered paralytic attack and her health was improving, therefore, personal exemption was sought, but the Court below has not given further adjournment and the accused were discharged.

The learned Judicial Magistrate Ist Class has firstly stated that for such a long period, the complainant was neither appearing nor producing any evidence. The Court below also held that if the complaint was suffering from paralytic attack, she could have given the power of attorney to someone. A perusal of the record shows that only one witness CW-1 doctor was examined and no other witness has been examined. From the record also, I find that the complainant was represented by her counsel and she

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could have given the instructions to her counsel through any person and could examine the other witnesses, but no such step had been taken. The Court below is also to see the interest of the accused, who were appearing in the complaint case for such a long period and no proceeding was going on. Nothing has been argued on the point that reasonable opportunities have not been granted.

This order has been passed by the learned Judicial Magistrate Ist Class, Amritsar on 20.8.2013 and the criminal revision was filed before the learned Sessions Court on 16.10.2014, but no application under Section 5 of the Limitation Act for condonation of delay had been filed. Again during the pendency of the criminal revision petition an application was filed, but the learned Additional Sessions Judge, Amritsar has observed that no ground had been mentioned for condoning of such a long delay in the application. Therefore, the order dated 24.2.2015 passed by the learned Additional Sessions Judge, Amritsar, is correct as per law. No illegality has been committed by the learned Additional Sessions Judge, Amritsar while passing the impugned order dated 24.2.2015 dismissing the revision as time barred. This is a petition for quashing, on the face of it, in no way, it can be held that these impugned orders are illegal or amount to miscarriage of justice.

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

February 25, 2016.

(Inderjit Singh)
Judge

hsp