

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-23887-2016

Date of Decision:- 02.08.2016

Harpreet Kaur

....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Sandeep Arora, Advocate, for the petitioner.

RITU BAHRI, J. (Oral)

Present petition is against the order dated 13.06.2016 (Annexure P-4) passed by the learned Judicial Magistrate 1st Class, Jalandhar whereby an application filed by the petitioner under Section 311 Cr.P.C., for summoning and examining the material prosecution witnesses, has been dismissed.

Learned counsel for the petitioner submits that an application under Section 311 Cr.P.C. has been made to summon the material witnesses and to prove the real controversy but inadvertently were not mentioned in the list of witnesses at the time of presentation of challan. So, the impugned order is liable to be set aside.

Persual of order dated 13.06.2016 passed by learned Judicial Magistrate 1st Class, Jalandhar, shows that the charge was framed in this on 30.07.2007 and thereafter the prosecution has availed number of opportunities to examine the witnesses. The proposes list of calling

witnesses was already within the knowledge of the prosecution right from the beginning. Moreover, the challan under Section 173 Cr.P.C. was filed in the Court on 01.11.2006 and the present application has been filed on 09.10.2015.

After hearing the learned counsel for the petitioner, going through the record, this Court is of the considered view that the learned Magistrate has rightly dismissed the application and the same has been passed after appreciating the evidence in the correct prospective and does not require any interference. Such order, containing valid reasons, cannot possibly be interfered with by this Court, in exercise of limited jurisdiction of this Court under Section 482 Cr.P.C., unless and until, the same is illegal, perverse and without jurisdiction. Since, no such patent illegality or legal infirmity has been pointed out by the learned counsel for the petitioner, so, the impugned order deserves to be and is hereby maintained in the obtaining circumstances of the case.

In the light of aforesaid reasons, as there is no merit, therefore, the instant petition is hereby dismissed as such.

August 02, 2016
naresh.k

(RITU BAHRI)
JUDGE