

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM No.M-2984 of 2015
Date of decision: March 01, 2016.

BHAVAN CHANDER VASDEV @ RAJU SHARMA

... **Petitioner**

v.

STATE OF PUNJAB AND ORS

... **Respondent**

CORAM: **HON'BLE MR. JUSTICE KULDIP SINGH**

Present: Mr. Aay Jain, Advocate for the petitioner.

Mr. Navdeep Singh, Asstt. Advocate General, Punjab.

Mr. Sandeep Majithia, Advocate for respondent No.4.

1. *Whether Reporters of local papers may be allowed to see the judgment ?*
2. *Whether to be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral):

A Calendra under Section 66 of the Punjab Police Act, 2007 was filed against the petitioner.

It comes out that the petitioner filed a petition bearing Crl. Misc. No.M-6613 of 2013 before this Court seeking quashing of the said calendra. This Court vide order September 12, 2013 held that though the calendra was filed after the expiry of one year but under Section 473 of the Code empowers the court to take cognizance if it is satisfied on the facts and in the circumstances of the case that the delay has been properly explained or that it is necessary to do so in the interest of justice. Therefore, the matter was remitted to the trial court to decide the matter afresh in the light of Section 473 of the Code of Criminal Procedure.

The matter was then taken up before the learned Judicial

Magistrate First Class who, vide the impugned order dated 18.12.2014 considered the provisions of Section 473 Cr.P.C. and decided to take cognizance.

The plea of the learned counsel for the petitioner is that the delay has not been properly explained and that merely two dates are mentioned. However, the period between the said dates is not properly explained.

I am of the view that it was the prerogative of the trial court to take cognizance, therefore, exercising powers under Section 482 Cr.P.C., this Court does not find any ground to interfere with the order of the trial court whereby it has decided to take cognizance of the calendra.

Dismissed.

March 01, 2016.
kadyan

[Kuldip Singh]
Judge