

CRM-M-31999-2015

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

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Date of Decision:09.11.2016

Sagar Dutt

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Kiran Kumar, Advocate,
for the petitioner.

Mr. Brijesh Sharma, AAG, Haryana.

Mr. Bhag Singh, Advocate,
for respondent Nos.2, 5 and 6.

INDERJIT SINGH, J.

Petitioner, Sagar Dutt has filed this petition against respondents, State of Haryana, Mohd. Masumm, Rasid, Salim, Ajit Singh and Jagat Singh @ Nitu, under Section 482 Cr.P.C for quashing of the order dated 24.07.2015 (Annexure P-4) passed by learned Judicial Magistrate Ist Class, Ambala whereby application under Section 311 Cr.P.C., moved by the petitioner, has been dismissed and for quashing of the judgment dated 04.09.2015 passed by learned Additional Sessions Judge, Ambala whereby revision preferred by the petitioner challenging the order dated 24.07.2015, has been dismissed.

Notice of motion was issued. Learned State counsel put in

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appearance on behalf of respondent No.1-State and Mr. Bhag Singh, Advocate appeared on behalf of respondent Nos.2, 5 and 6. They contested this petition.

I have heard learned counsel for the petitioner; learned State counsel; learned counsel for respondent Nos.2, 5 and 6 and have gone through the record.

From the record, I find that during the trial, an application was moved by the complainant before learned Judicial Magistrate Ist Class, Ambala seeking permission to summon the concerned Clerks of Registering Authority (MV), Yamuna Nagar and Registering Authority (MV), Ambala long with record of registration certificate of TATA Sumo No.HR-01E-9921, as additional evidence. Learned Judicial Magistrate Ist Class, Ambala after hearing the parties and perusing the record, dismissed the said application vide impugned order dated 24.07.2015. Perusal of the impugned order dated 24.07.2015 shows that evidence of the prosecution was closed by the Court vide its order dated 09.06.2014 as trial could not be completed after a span of five years. Statement of the accused under Section 313 Cr.P.C. was recorded on 13.06.2014 and the present application was filed on 19.05.2015.

Learned counsel for the petitioner has failed to show that reasonable opportunities were not granted before closing the evidence. He has also not argued on this point. The prosecution as well as the complainant did not challenge the order dated 09.06.2014 vide which prosecution evidence was closed by the Court. The prosecution failed to

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examine the above cited witnesses and ultimately its evidence was closed by the Court.

Now application under Section 311 Cr.P.C. has been filed to nullify the effect of order dated 09.06.2014 vide which the court refused to further adjourn the case for prosecution evidence. FIR, in the present case, was registered on 06.02.2009 for the commission of offence under Section 379 IPC.

I have gone through the impugned order and judgment passed by the courts below, which are correct, as per evidence and law. Nothing has been argued as to why the above cited witnesses were not produced by the prosecution within the reasonable time. In no way, findings recorded by the courts below can be held as perverse or against the law. Otherwise also, the accused has a right of expeditious trial.

Keeping in view the facts and circumstances of the present case, I find that no illegality has been committed by the courts below while passing the impugned order and judgment and the same do not amount to miscarriage of justice.

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

09.11.2016
parveen kumar

(INDERJIT SINGH)
JUDGE

Note: Whether speaking/reasoned : Yes
Whether reportable : No