

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

CRM No.M-3201 of 2015
Date of decision: April 04, 2016.

Ankush

... **Petitioner**

v.

State of UT Chandigarh and others

... **Respondent**

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

Present: Mr. Mohit Malik, Advocate for the petitioner.

Ms. Ashima Mor, APP, UT Chandigarh
for respondents no.1 to 3.

Mr. G.S. Sandhu, 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):

It comes out that the petitioner seeks action against respondent No.4, namely, Ravinder Bansal in FIR No.404 dated 28.10.2011, registered under Sections 323, 342, 365, 395, 427, 452, 506, 120-B IPC, Police Station Sector 39, Chandigarh. It is not disputed that in the said FIR, challan was presented; Ravinder Bansal, respondent No.4, was not challaned. The case was tried and the other accused in the said case have been convicted and sentenced. The appeal is pending before the appellate court.

The plea of the petitioner is that respondent No.4 was the main accused, therefore, he should have been challaned and tried in the said case. However, I am of the view that when the challan was presented, the prosecution/complainant was always at liberty to file application under

Section 319 Cr.P.C. during the trial. However, this Court is informed that no such application was filed. Now the matter has been decided; the appeal is pending, therefore, exercising powers under Section 482 Cr.P.C., no directions can be given for taking action against respondent No.4 in the said trial. It also comes out that the trial before the trial court was concluded on 12.8.2014 and this petition was filed on 23.1.2015. Therefore, this petition is nothing but misuse of the process of court and has resulted in sheer wastage of time of the Court. Hence, this petition is dismissed with costs quantified at Rs.5,000/- to be paid to the District Legal Aid Fund.

April 04, 2016.
kadyan

[Kuldip Singh]
Judge