

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

**CRM No.M-42048 of 2016 (O&M)
Date of Decision: December 07, 2016**

Ramesh

...Petitioner

VERSUS

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Petitioner-in-person.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. against respondent State of Haryana, for quashing of order dated 19.08.2016 passed by learned Chief Judicial Magistrate, Sonapat in case FIR No.295/2015 dated 27.05.2016 under Sections 323, 506, 341 and 509 IPC registered at Police Station City Sonapat, District Sonapat and order dated 19.09.2016 passed by learned Addl. Sessions Judge, Sonapat vide which the revision petition filed by the petitioner has been dismissed.

At the very outset, petitioner was asked for taking legal aid counsel but he stated that he will argue his case himself.

I have heard petitioner-in-person and have gone through the record.

The perusal of the record shows that during the pendency of the trial, an application was given by the present petitioner/accused for

submitting statements of witnesses namely Naresh Tyagi, Meenaxi Sharma, Smt.Rajesh and Om Parkash under Section 161 Cr.P.C. Learned trial Court held that Investigating Officer appeared before the Court and moved an application that statements of witnesses Meenaxi, Om Parkash and Smt.Rajesh have been misplaced and a date be given for recording the statements of aforesaid witnesses. The Court further held that perusal of the file shows that accused Ramesh Khatri had filed an application dated 09.06.2016 for issuing direction to Investigating Officer to supply the copies of statements of witnesses namely Rishi Kumar Sharma, Naresh Tyagi, Smt.Kiran Tuteja, Anita Sharma, Minakshi Sharma, Om Parkash, Sunita Sharma, Smt.Rajesh, Satbir and Jaspal. Statements of Rishi Kumar Sharma, Anita Sharma, Sunita Sharma, Kiran Tuteja, Jaspal and Satbir are already placed on record. However, the Investigating Officer has mentioned that statements of witnesses namely Meenaxi, Om Parkash, Rajesh were misplaced, which were recorded under Section 161 Cr.P.C. The Investigating Officer has not given any reasonable explanation regarding missing of the aforesaid statements from police file. The Investigating Officer has also not given any valid reason regarding statement of witness namely Naresh Tyagi recorded under Section 161 Cr.P.C. Therefore, the trial Court, ordered the deletion of the names of witnesses namely Naresh Tyagi, Meenaxi, Om Parkash and Smt.Rajesh as per the impugned order dated 19.08.2016. Then the accused-petitioner filed a revision petition, which was dismissed as the impugned order being interlocutory order and revision petition is not maintainable.

Aggrieved from the above-said orders, present petition has

The perusal of the record shows that the Investigating Officer stated that he has misplaced the statements, the copies of the statements cannot be given to the accused as these are not available on the record. The striking of the names of the witnesses by the trial Court is an order passed in favour of the accused-present petitioner. If anybody, who can be held as aggrieved, is the prosecution and not the accused.

Furthermore, the petitioner states that these witnesses have deposed in his favour before the police. Even if it is taken so, then he can examine them in the defence.

In view of the above discussion, I do not find any merit in the present petition and the same is dismissed. However, it is made clear that whatever stated above, in no way, will cause prejudice to the proceedings, if any, filed by the prosecution or complainant against the impugned order dated 19.08.2016 and those proceedings would be dealt with independently.

December 07, 2016
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No