

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM M-6352 2015

Date of Decision: July 18, 2016

Harbhajan Singh

.....Petitioner

Vs.

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI.

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Present:- None.

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M.M.S. BEDI, J. (ORAL)

Petitioner has opted to file the present petition in the year 2015 for a direction to the investigating officer directing respondents No.4 and 5 to return the articles of 'jama talashi'.

A perusal of the file indicates that vide annexure P-3, the said application had been allowed by the Judicial Magistrate Ist Class on November 1, 2010. Petitioner claims to have submitted a representation to SSP, Sangrur, complaining that the articles had not been returned.

Through instant petition the provisions of Section 482 Cr.P.C. have been invoked for a direction for initiation of inquiry against the

culprits-police officials and for further direction for return of the articles as per the order dated November 1, 2010. It is mentioned in the petition that the petitioner has given many reminders in the year 2012, 2013 and 2014.

After going through the petition, it appears that a judicial order has already been passed in favour of the petitioner and relief has been given but the petitioner claims that the order of the Court has not been implemented in letter and spirit. The present petition is not maintainable as in the exercise of powers under Section 482 Cr.P.C., the High Court cannot be considered to be an Executing Court for an order passed by the Judicial Magistrate.

This petition is disposed of as not maintainable without prejudice to the rights of the petitioner to approach the Court of competent authority and the senior police officials.

The petitioner appears to have filed one complaint annexure P-5 to SSP, Sangrur on September 30, 2011.

Since about 5 years have passed and it is not apparent as to what had happened during the said period, it will be open to the petitioner to approach the concerned SSP. It is expected that the matter will be looked into expeditiously.

July 18, 2016
sanjay

(M.M.S.BEDI)
JUDGE