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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM No. M-7625 of 2016 (O/M)

Date of decision : 3.3.2016

Jaidev

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Varun Gupta, Advocate, for the petitioner.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH J. (ORAL)

Notice of motion.

Mr. Yashwinder Singh, Deputy Advocate General,

Haryana, accepts notice on behalf of respondent-State.

It comes out that a case tilted as State Versus Raj Kumar @ Raju and others, in which the complainant filed an application dated 20.1.2016 (Annexure-P-8), requesting the Court for directing further investigation under Section 173(8) Cr.P.C. to obtain the expert opinion regarding the injury, claiming that it is covered under Section 307 IPC being dangerous to life. The learned Chief Judicial Magistrate, Narnaul, did not pass clear cut order. The relevant extract is reproduced as under :-

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“ In this case specific opinion of the doctor is available. The investigating officer is however at liberty to seek opinion of any expert or carry out any further investigation and produce the same before the court at any later stage. The application is accordingly disposed of.”

In view of the matter, the impugned order dated 20.1.2016 (Annexure-P-9), passed by the learned Chief Judicial Magistrate, Narnaul, making the abovenoted observations, disposing of the application, is set aside and the learned Chief Judicial Magistrate, Narnaul is directed to pass a clear cut order whether the further investigation is to be ordered or not, as requested by the complainant, in his application filed under Section 173 (8) Cr.P.C.

In view of the above, the present petition is disposed of.

(KULDIP SINGH)
JUDGE

3.3.2016
sjks