

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

CRR No.3146 of 2015 (O&M)

Date of decision : 07.09.2016

Barhmjeet Singh @ Brahma

..Petitioner

Versus

State of Punjab

...Respondent

CRR No.3228 of 2015 (O&M)

Dilbagh Singh @ Baga

..Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Naveen Bawa, Advocate for
Mr. D.S. Pheruman, Advocate
for the petitioner in CRR No.3146 of 2015.

Mr. Ashish Aggarwal, Advocate
for the petitioner in CRR No.3228 of 2015.

Mr. Luvinder Sofat, AAG, Punjab

JITENDRA CHAUHAN, J. (Oral)

This judgment shall dispose of the aforesaid two revision petitions.

The instant revision petitions have been filed by the petitioners, impugning the order dated 06.08.2015, passed by the Additional Sessions Judge/Judge Special Court, Tarn Taran (for short, 'the trial Court'), whereby,

the application of the prosecution for extension of period for submitting the report under Section 173(2) of the Code of Criminal Procedure (for short 'the Cr.P.C.') was allowed.

The learned counsel for the petitioner(s) contend that the impugned order has been erroneously passed by the learned trial Court as in the absence of the chemical report, challan can be submitted and the Court can take the cognizance of the offence on the report of Section 173 Cr.P.C and on any report received thereafter can be submitted in the Court under Section 173(8) Cr.P.C. Non-receipt of Chemical Examiner's report cannot be taken as ground for extension of period for submitting the report under Section 173(2) Cr.P.C.

Heard.

The prosecution had filed an application for extension of time for submitting the report under Section 173(2) Cr.P.C. on the ground that report of the chemical analysis is yet to be received from the office of Chemical Examiner, Kharar. Along with the application the prosecution had also appended the letters/reminders dated 11.05.2015, 28.06.2015 and 20.07.2015, which were sent to the office of Chemical Examiner, however, due to heavy rush over there, delay had been occurring in analyzing the sample and sending the report of the chemical examiner.

Further, the recovered quantity being 500 grams heroin falls under the category of "commercial quantity". Therefore, in the instant case, this Court does not find any ground to interfere with the impugned order, in

exercise of its revisional jurisdiction, as no material evidence or any circumstance has come on record to establish that there is any defect of procedure or improper acceptance or rejection of evidence by the Court(s) below and that the impugned order would cause miscarriage of justice. This Court feels that the impugned order has been passed after proper appreciation of facts on record and application of judicial mind.

Consequently, the present revision petitions fail and are hereby dismissed.

Anything said herein above shall not be construed as an expression of opinion on the merits of the cases.

07.09.2016

ashok

**(JITENDRA CHAUHAN)
JUDGE**

Whether speaking/reasoned: Yes / No

Whether reportable: Yes / No