

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

**CRR No. 4250 of 2015
DECIDED ON : MAY 26, 2016**

DALBIR SINGH

....PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

....RESPONDENTS

CORAM : HON'BLE MR. JUSTICE JASPAL SINGH

- 1. Whether Reporters of local papers may be allowed to see the judgment?**
- 2. To be referred to the Reporters or not?**
- 3. Whether the judgment should be reported in the Digest?**

Present : Mr. J.S. Bandohal, Advocate,
for the petitioner.

Mr. J.S. Sekhon, AAG, Punjab..

Mr. Jaspal Singh Dappar, Advocate
for respondents No. 2 to 9.

JASPAL SINGH, J. (ORAL)

Instant revision petition has been preferred by Dalbir Singh-complainant challenging the order October 21, 2015 passed by learned JMIC, Derabassi, SAS Nagar whereby, an application under Section 311 Cr.P.C moved by prosecution has been declined.

2. At the very outset, it has been emerged that the prosecution evidence was closed by orders of the Court on October 14, 2015. But to the utter surprise neither prosecution nor complainant did opt to prefer a revision petition against

that order for getting the same set aside. But instead thereof, an application under Section 311 Cr.P.C. was moved, which has been declined by learned trial Court vide impugned order dated October 21, 2015. In fact, when a remedy was available to the State as well as to the complainant challenging the order whereby evidence of the prosecution was closed by the orders of the Court, an application under Section 311 Cr.P.C. was not legally maintainable and it was only due to the said reason the said application has been declined.

3. Since, application before the learned Magistrate was not maintainable, it has been declined vide impugned order.

4. Thus, instant revision petition is also not sustainable in the eyes of law. Accordingly, the same is dismissed.

5. However, petitioner shall be at liberty to prefer a revision petition against order dated October 14, 2015 whereby the evidence was closed by order.

MAY 26, 2016
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(JASPAL SINGH)
JUDGE