

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

CRM No.M-10605 of 2017 (O&M)

Date of Decision: March 29, 2017

Pooja Negi

...Petitioner

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Siddharth Sharma, Advocate,
for the petitioner.

INDERJIT SINGH, J.

The petitioner has filed this petition under Section 482 Cr.P.C. against respondents State of Punjab and Kamaljit Kaur for setting aside the judgment dated 20.02.2017 passed by learned Sessions Judge, Kapurthala and order dated 23.01.2017 passed by learned Chief Judicial Magistrate, Kapurthala.

I have heard learned counsel for the petitioner and have gone through the record.

From the record, I find that a Calandera under Section 182 IPC has been presented in the Court and as per order dated 23.01.2017 passed by learned CJM, Kapurthala, charges were framed on 24.12.2014 and since then the case is lingering on for prosecution evidence. Only four prosecution witnesses have been examined and no prosecution witness came

forward in that case. Learned CJM, Kapurthala, also held that repeatedly

summons and bailable warrants are being issued in order to procure the presence of remaining prosecution witnesses but they have not come present. The Court declined further adjournment and closed the evidence. A revision was filed and the same is dismissed by learned Sessions Judge, Kapurthala, vide judgment dated 20.02.2017.

Aggrieved from the above said order and judgment, present petition has been filed.

Nothing has been pointed out to show the illegality in the order. Nothing has been argued qua reasonable opportunities given by the trial Court. The trial Court which is conducting the trial, is to see that reasonable opportunities are granted to the prosecution to conclude and complete the evidence. If the prosecution is unnecessarily delaying the trial for years together, then the Court is also to see whether the accused are being harassed due to this. Speedy trial is also right of the accused and the Court is also to protect the legal right of the accused qua speedy trial.

In the facts and circumstances of the present case, I find that learned trial Court has correctly declined the opportunity. No illegality has been committed by learned CJM, Kapurthala, while passing the impugned order dated 23.01.2017.

Therefore, finding no merit in the present petition, the same is dismissed.

March 29, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No