

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

CRM No.M-24403 of 2017 (O&M)

Date of Decision: July 28, 2017

Ajit Gupta

...Petitioner

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Amit Kumar Saini, Advocate
for the petitioner.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. against respondents State of Punjab and Joginder Singh for quashing the order dated 24.04.2017 passed by learned Sub Divisional Judicial Magistrate, Samrala, vide which the evidence of the prosecution has been closed without considering the earlier order dated 18.11.016 passed by this Court in CRM Mo.M-29819 of 2015.

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

From the record, I find that FIR in the present case was registered on 19.05.2011 under sections 419, 420, 465, 468, 471 and 201 IPC. The evidence was closed by the Court vide order dated 23.07.2015 and the petitioner approached this Court vide CRM No.M-29819 of 2015, which

was decided by this Court on 18.11.2016 and the order dated 23.07.2015

was set aside and the prosecution was directed to complete its evidence in three effective opportunities. However, these three opportunities means that either of the party shall not seek adjournment.

The zimini orders passed by the Court below are placed on record. As per zimini orders, prosecution failed to complete its evidence despite three effective opportunities.

Again the petitioner has approached this Court by dint of present petition that three effective opportunities have not been granted. Learned lower Court has passed the impugned order in compliance of the order of this Court. Three opportunities were given to the prosecution to complete its evidence as ordered by this Court. If the witnesses are not served or not produced by the prosecution, it amounts to effective opportunities given to the prosecution. The petitioner cannot approach this Court time and again asking for the opportunities to produce and complete the evidence.

In view of the above discussion, I find that no illegality has been committed by the Court below while denying further opportunity in compliance of the order passed by this Court.

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

July 28, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No