

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

**CRM No.M-46017 of 2017 (O&M)  
Date of Decision: December 15, 2017**

Ram Avtar

...Petitioner

VERSUS

State of Haryana

...Respondent

**CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH**

Present: Mr.Gagan Pradeep Singh Bal, Advocate  
for the petitioner.

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**INDERJIT SINGH, J.**

Petitioner has filed this petition under Section 482 Cr.P.C. read with Section 401 and 397 Cr.P.C. against respondent State of Haryana for quashing the order dated 31.07.2017 passed by learned Addl. Sessions Judge, Hisar, vide which, the application filed by the petitioner under Section 465 Cr.P.C. was dismissed by imposing excessive costs of ₹50,000/-.

Learned counsel for the petitioner argued that the order dated 31.07.2017 passed by learned Addl. Sessions Judge, Hisar, is not as per law and the same is liable to be set aside. He argued that imposing of costs is also unwarranted and unnecessarily excessive costs has been imposed.

I have heard learned counsel for the petitioner and have gone through the record, especially the impugned order.

Learned Addl. Sessions Judge, Hisar, has passed the impugned order dated 31.07.2017 in a detailed manner by referring earlier order word by word. The argument of the learned counsel for the petitioner is that he has not signed the earlier application, therefore, he argued that his application be considered on merit and for passing appropriate orders under Section 465 Cr.P.C. qua him. Learned counsel for the petitioner claimed that petitioner's name has been mentioned with all the accused in the application under Section 216 Cr.P.C. inadvertently due to typographical error, which was preferred for other accused except him. The order passed on 16.01.2017 on application under Section 216 Cr.P.C. has been inadvertently reflected to have been passed for the petitioner also.

Learned trial Court by discussing the facts in detail held that present petitioner-applicant along with other accused has filed the application and in the memo of applicants, name of present petitioner has been mentioned. When once the application has been decided, which was also stated to be filed on behalf of present applicant-petitioner, then why at later stage, it would be held that his name was mentioned inadvertently in the memo of applicants. The present petitioner is stated to be an Advocate.

Learned Addl. Sessions Judge, Hisar, in the impugned order, has also held that present applicant is filing so many applications in the Court just to delay the trial and this application is nothing but vexatious and falsely moved with a view to cause delay and not moved in bonafide way.

The perusal of the impugned order dated 31.07.2017 shows that the order is as per law and no illegality has been committed by learned Addl. Sessions Judge, Hisar, while passing the impugned order. The costs has

rightly been imposed upon the petitioner.

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

December 15, 2017  
Vgulati

(INDERJIT SINGH)  
JUDGE

Whether speaking/reasoned  
Whether reportable

Yes  
No