

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

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CRM-M No.14910 of 2018

Date of Decision: April 16th, 2018

WG. CDR. R.S. Grewal and another

...Petitioners

Versus

Harjit Singh Chima and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Rajesh Garg, Senior Advocate
with Mr. Sundeep Kumar, Advocate
for the petitioners.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court challenging the order dated 19.02.2018 (Annexure P-2) passed by Additional Sessions Judge, S.A.S. Nagar (Mohali), whereby the impugned order dated 20.09.2014 passed by the Judicial Magistrate Ist Class, Dera Bassi, rejecting the prayer of the petitioners under Section 156 (3) Cr.P.C., has been set aside, with a further direction to the Judicial Magistrate Ist Class to pass a speaking order on the application under Section 156 (3) Cr.P.C.

It is the contention of learned senior counsel for the petitioners that the learned Revisional Court has come to a conclusion that there is material available on records of the Court, especially with reference to the report of the Deputy District Attorney, S.A.S. Nagar, Mohali and the report of S.P. City-I, S.A.S. Nagar, Mohali. The Court has gone to the extent of saying that the offence is clearly made out and still no direction has been issued for registration of the FIR by exercising the powers under Section 156 (3) Cr.P.C. He, therefore, contends that the impugned order deserves to be modified to the said extent.

I have considered the submissions made by learned senior

counsel for the petitioners and have gone through the impugned order dated

19.02.2018 passed by the Additional Sessions Judge, S.A.S. Nagar (Mohali).

A perusal of the said order would clearly indicate that the Court has given its opinion on the basis of the evidence and the material available on record. The order dated 20.09.2014 passed by the Judicial Magistrate Ist Class, Dera Bassi, has been set aside by the Court keeping in view the fact that the said order is a totally non-speaking one and, therefore, is not sustainable in the eyes of law as no reason whatsoever has been mentioned therein. The learned Revisional Court has by setting aside the said order remanded the case to the trial Court for passing a speaking order on the application under Section 156 (3) Cr.P.C. of the petitioners with the observations mentioned therein. The trial Court has to pass an order as per the directions issued by the Revisional Court, which in the considered view of this Court, is in accordance with law.

The trial Court would obviously take into consideration the observations made by the Revisional Court in the impugned order dated 19.02.2018.

With these observations, the present petition stands disposed of as no interference is called for in the impugned order.

April 16th, 2018
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No