

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-17932 of 2018

Date of decision: April 30, 2018

Sukhmani Minar Lamba

...Petitioner

Versus

State of Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Deepak Gupta, Advocate for the petitioner.

Rajan Gupta, J.

In this petition under section 482 Cr.P.C., petitioner, who is complainant in the case, has impugned the order dated 18.04.2018, passed by Chief Judicial Magistrate, Sri Muktsar Sahib, whereby application under section 311 Cr.P.C. filed by him for summoning and examining certain documents and witnesses, has been dismissed.

The order has been assailed on the ground that trial court has not appreciated the plea of the petitioner in correct perspective, as Anil Kumar Gupta, Handwriting and Finger Prints Expert, Fazilka, who had examined the signatures on forged *Thekanama* in question and submitted his report, has not been examined. Besides, he wants to prove certain FIRs registered against the accused by summoning concerned police officials alongwith certain other documents including orders, passed by this court and courts below.

I have heard learned counsel for the petitioner and given careful thought to the facts of the case.

FIR No.19 dated 06.02.2013 was registered against the accused Manjit Singh etc., under sections 420, 467, 468, 471, 120-B IPC at Police Station Muktsar City at the instance of the petitioner. After completion of investigation, challan was presented before the court and charges were framed. A perusal of the impugned order shows that prosecution has already availed almost 80 opportunities to conclude its evidence and when last opportunity was granted to the prosecution, instant application was moved by the petitioner. The trial court, however, dismissed the same on the ground that application cannot be entertained at such a belated stage. It reveals that earlier also two similar applications under Section 311 Cr.P.C. were filed by the prosecution, which were allowed by the court. Admittedly, trial is at the fag end.

I find no infirmity with the order. It is apparent that petitioner/prosecution was granted sufficient opportunities to prove its case. The witnesses have already been cross-examined at length. The discretion conferred in Section 311 Cr.P.C. is wide but has to be exercised judiciously. The trial court has, thus, rightly rejected the application. In the facts and circumstances of the case, I find no ground to interfere in inherent jurisdiction of this court.

Dismissed.

(RAJAN GUPTA)
JUDGE

April 30, 2018
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No