

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

**CRM-M-27770-2017(O&M)
Date of decision:-22.2.2018**

Parveen Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MR. JUSTICE H.S. MADAAN

Present : Mr.Dinesh Mahajan, Advocate
for the petitioner.

Mr.Rakeshinder Singh Sidhu, AAG, Punjab.

Mr.Dheeraj Mahajan, Advocate
for accused/respondent – Manjit Singh.

H.S. MADAAN, J.

By way of filing this petition under Section 482 Cr.P.C.,
petitioner – Parveen Kumar is seeking setting aside of impugned order
dated 1.6.2017 passed by Chief Judicial Magistrate, Gurdaspur vide
which evidence of the prosecution had been closed by order.

On notice, respondent – State has appeared.
Accused/respondent – Manjit Singh also appeared through counsel.

From the reply filed on behalf of the accused, it comes out
that feeling aggrieved by the impugned order, the petitioner had filed a
revision petition before learned Sessions Judge and without disclosing

that fact, the present petition has been filed and not only so in para No.14 of the present petition, it is mentioned that petitioner has not filed any such or similar petition either in this Court or in the Apex Court and that no such petition is pending before the Court of Sessions or any other Court. Copy of the interim orders passed by learned Additional Sessions Judge, Gurdaspur hearing the revision petition have been attached. It has been mentioned that FIR was registered on 4.9.2010, challan was presented in the year 2013, charge was framed on 30.4.2015, the prosecution evidence was closed by Court order on 1.6.2017 after giving several opportunities to the prosecution to lead evidence and when the evidence was closed, the prosecution had moved an application under Section 311 Cr.P.C., which was partly allowed by the trial Court vide order dated 6.7.2017.

I have heard learned counsel for the parties besides going through the record.

A perusal of the impugned order goes to show that learned Chief Judicial Magistrate, Gurdaspur has recorded that case is pending since long for evidence of the prosecution and prosecution has availed of sufficient opportunities including last opportunity to conclude the evidence, as such, the same was closed by order. Though the prosecution is entitled to reasonable number of opportunities to examine the witnesses cited by it but then the proceedings cannot be stretched endlessly for that purpose. The prosecution has already availed of adequate remedies for redressal of their grievances by moving application under Section 311 Cr.P.C. for additional evidence, which is said to have been allowed partly and then by filing revision petition

challenging the impugned order before the Court of Sessions. It being so, it cannot certainly proceed with two remedies simultaneously. The petitioner is shown to have concealed the factum of filing of the revision petition before the Court of Sessions. Such conduct also debars him from getting any relief from this Court. A perusal of the case file goes to show that charge was framed in this case on 30.4.2015 and thereafter case kept being adjourned for evidence of the prosecution for one reason or the other. Sufficient number of opportunities had been granted to the prosecution to conclude its evidence. The complainant has not specifically pointed out as to what material witnesses could not be examined and are required to be produced in the Court as witnesses, otherwise the prosecution case would be adversely affected. In the petition general pleas have been taken expressing grievances with regard to the trial Court closing the evidence. Unless it is shown that material witnesses could not be examined for no fault of the prosecution and evidence has been closed in a hurried manner, that too to the prejudice of prosecution/complainant, the petition cannot be accepted.

The petition being without merit stands dismissed accordingly.

22.2.2018

Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No