

In the High Court of Punjab and Haryana at Chandigarh

Crl. Misc. No. M-34784 of 2017 (O&M)
Date of Decision: 28.5.2018

Yogesh Prabhakar

.....Petitioner

Versus

C.L.Chauhan and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Petitioner in person along with
Mr. Paras Talwar, Amicus Curiae.

ANITA CHAUDHRY, J

CRM-14603-2018

This is an application for summoning the recording of CCTV installed outside the Court and for permission to place Annexure P-6 on file.

The prayer for summoning the CCTV recording from the trial Court is declined whereas permission is accorded to place Annexure P-6 on the file.

The application is disposed of.

CRM-M-34784-2017

The petitioner has assailed the order dated 12.6.2017 vide which the trial Court refused to take action on the affidavit filed by the petitioner in the case lodged by his wife. He also assails the order dated 8.9.2017 passed by Sessions Judge, Ambala.

The background would be necessary.

The petitioner is facing trial in a complaint case filed by his wife who is being represented by Sh. C.L.Chauhan, Advocate. The

allegations are that on 6.6.2017 at about 4.00 clock, the counsel made unwanted utterances and derogatory remarks against the petitioner. The petitioner wanted the Court to implead him as a party in the case. The petitioner returned home and on the next day, he sent his affidavit by post to the Court. On the adjourned hearing he was pressing for the Lawyer's name to be included in the complaint case which has been declined by the Judicial Magistrate, Ambala vide order dated 12.6.2017.

Not satisfied with the order, a revision was filed and the Additional Sessions Judge vide a detailed order dismissed the revision on 8.9.2017. It went into the details of the averments and referred to the affidavit relied upon by the petitioner and held that the Lawyer could not be impleaded as a co-accused in the complaint. It also observed that it was not the right forum to agitate the issue.

I have heard the Amicus Curiae and I see no reason to take a different view. A party cannot be added in a criminal complaint and that too the Lawyer representing the complainant.

The Lawyers represent a party and he presents the case and the facts as are briefed to him. They act on the instructions given by the client. I find no illegality or infirmity in the orders.

The petition is dismissed in *limine*.

(ANITA CHAUDHRY)
JUDGE

May 28, 2018
Gurpreet

Whether speaking/reasoned	:	Yes
Whether reportable	:	No