

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-7036-2018 (O&M)

Date of decision : 19.2.2018

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Ranjit Singh

.....Petitioner

vs.

Roshan Lal and others

.....Respondents

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. K.S. Chawla, Advocate
for the petitioner.

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H. S. Madaan, J.

Complainant – Ranjit Singh feeling aggrieved by order dated 14.7.2016 passed by the trial Court of Judicial Magistrate Ist Class, Ludhiana, dismissing his application under Section 311 Cr.P.C. had filed a revision petition against the said order, which was also dismissed by Additional Sessions Judge, Ludhiana vide order dated 28.10.2017. Now the complainant has approached this Court by way of filing the present petition under Section 482 Cr.P.C. impugning the orders passed by the Courts below and praying that his application under Section 311 Cr.P.C. be allowed.

I have heard learned counsel for the petitioner besides going

through the record.

Learned counsel for the petitioner has contended that the application under Section 311 Cr.P.C. had been filed by the complainant for recalling witness Dr. Pritam Singh with the complete records of the patient complainant Ranjit Singh and re-examine him as he had been cross examined by counsel for the accused without granting opportunity to the complainant to re-examine the witness and evidence of complainant was closed by order dated 12.4.2016, as a result of which prejudice has been caused to the complainant and re-examination of that doctor is required since other certain doctors who had given dental opinion, prepared in-patient history with prescription, are also vital witnesses to be summoned and examined as witnesses on behalf of the complainant, after ascertaining their names and particulars from Dr. Pritpal Singh, so that true factual position regarding injuries suffered by complainant may got revealed.

In support of his contention, he has referred to various citations:-

1. **Rajaram Prasad Yadav vs. State of Bihar and another 2013 (3) RCR (Criminal) 726;**
2. **Mannan SK and others vs. State of West Bengal and another 2014(4) RCR (Criminal) 617;**
3. **Balwinder Singh vs. State of Punjab and others 2010 (1) RCR (Criminal) 909;**
4. **M/s Shareen Hire Purchase Pvt. Limited vs. Kulwinder Kaur 2011 (3) RCR (Criminal) 299 and**
5. **Sahabuddin and another vs. State of Assam 2013 (1) RCR**

(Criminal) 817

After going through the impugned orders and considering the arguments advanced by learned counsel for the petitioner, in light of the case law referred by him, I find that impugned orders do not suffer from any illegality or infirmity, rather they are well reasoned. Inherent powers of this Court in terms of Section 482 Cr.P.C. are to be exercised to prevent abuse of process of any Court and to secure the ends of justice. The case of the petitioner does not come within four corners of this provision. I do not see any reason to exercise powers under Section 482 Cr.P.C. and to allow the petition.

The petition stands dismissed accordingly.

19.2.2018
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(H.S. Madaan)
Judge

Whether speaking / reasoned Yes/ No

Whether reportable Yes/ No