

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR-1266-2017 (O&M)

Date of Decision:-24.07.2018.

Gurnam Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. Fariad Singh Virk, Advocate for the petitioner.

Mr. Nikhil K. Chopra, Additional A.G. Punjab.

Mr. Pritam Saini, Advocate for respondent Nos.2 to 4.

P.B. BAJANTHRI, J. (Oral)

In the present criminal revision petition, petitioner has challenged the order dated 13.02.2017 and 04.03.2017 passed in case FIR No.41 dated 07.05.2009 under Sections 420/465/467/471/120-B IPC, registered at Police Station Machiwara.

2.) In the present case, charges were framed way back on 14.03.2011. Thereafter, for the purpose of recording evidence of the prosecution witness, matter was adjourned from time to time. Trial Court granted last opportunity on 20.01.2017 for 13.02.2017 and it was not availed by the petitioner. Consequently, Trial Court proceeded to hold that evidence of the prosecution is closed by order and adjourned the matter for for recording of statement of the accused under Section 313 Cr.P.C.

Thereafter, petitioner filed review application and it was rejected on 04.03.2017. Hence, the present petition.

3.) No doubt there is total non-cooperation on behalf of the petitioner for the purpose of recording of evidence on behalf of the prosecution witnesses having regard to the fact that charges were framed way back on 14.03.2011 and prosecution availed several opportunities to conclude its evidence including last opportunity. There is no error in the order of the Trial Court. However, having regard to the offences under Sections 420/465/467/471/120-B IPC, I am of the view that petitioner can be allowed one more opportunity. Accordingly, orders dated 13.02.2017 and 04.03.2017 are set aside. Petitioner is directed to appear before the Trial Court on 03.08.2018 for the purpose of concluding his evidence subject to payment of ₹ 10,000/- as cost. Cost shall be remitted in the District Legal Services Authority, U.T. Chandigarh. It is made clear that petitioner is entitled to only one effective opportunity before the Trial Court other than 03.08.2018.

4.) Petition stands disposed of.

(P.B. BAJANTHRI)
JUDGE

July 24, 2018.
sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.