

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

**Criminal Revision No.4148 of 2018 (O&M)
Date of Decision: July 30, 2018**

Sandeep Sobti

.....PETITIONER(s).

VERSUS

M/s Ranjit Associates and others

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Vinod K. Kataria, Advocate
for the petitioner (s).

Mr. Amit Arora, Advocate
for respondent No.1

Ms. Dimple Jain, A.A.G., Haryana.

SURINDER GUPTA, J.

This is revision against the order dated 17.10.2017, passed by
Judicial Magistrate 1st Class, Faridabad, which reads as follows:-

“Complainant is present for cross-examination but learned counsel for the accused is not prepared for the cross-examination of the complainant. On the request of learned counsel for the accused, case is adjourned to 15.11.2017 for cross-examination of complainant subject to the cost of Rs.500/- to be paid to the opposite party.

Learned counsel for the complainant brought to the notice of this Court that accused in this case was declared proclaimed person and even notice

was issued to the SHO, P.S. Suraj Kund for registration of FIR under Section 174A of IPC but the copy of FIR is not filed by the SHO concerned. Hence, fresh notice be issued to SHO with the direction to register a case against proclaimed person under Section 174-A I.P.C.”

Learned counsel for the petitioner submits that in the complaint under Section 138 of Negotiable Instruments Act, 1881, petitioner was declared proclaimed person and directions were issued to SHO, Police Station, Suraj Kund to register FIR against the petitioner. In fact, petitioner after being declared proclaimed person, had surrendered and was released on bail, as such, there was no reason to give direction for registration of the FIR.

On the face of it, this petition is not maintainable against the order dated 17.10.2017. The petitioner was declared proclaimed person vide order dated 14.08.2017 and notice was issued to SHO, Police Station, Suraj Kund with direction to register case against the proclaimed person i.e. petitioner.

On query, learned counsel for the petitioner has informed that the order dated 14.08.2017, has not been challenged by the petitioner, so far. Order dated 17.10.2017, is only for issuance of fresh notice to the SHO in pursuance of the order dated 14.08.2017, as such revision, if any, lies against the order dated 14.08.2017 and not against the order dated 17.10.2017.

Learned counsel for respondent No.1 has argued that in fact, the petitioner has filed three petitions, against the order dated 17.10.2017, passed in three separate complaints and his other two petitioners have been

dismissed.

In view of my above discussion, the submission by learned counsel for respondent No.1, calls for no comment as this revision petition is not maintainable against the order dated 17.10.2017.

Hence, dismissed.

(SURINDER GUPTA)
JUDGE

July 30, 2018
Sachin M.

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***