

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR-1729-2018 (O&M)

Date of Decision:-21.09.2018.

Chet Singh

.....Petitioner

Versus

The Senior Superintendent of Police, Union Territory, Sector-9, Chandigarh
and others

.....Respondents

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

Present: Mr. Gautam Diwan, Advocate for the petitioner.

Mr. J.S. Toor, A.P.P. for U.T. Chandigarh-respondents.

P.B. BAJANTHRI, J. (Oral)

In this petition, petitioner has sought quashing of the order dated 17.01.2018 passed by the Judicial Magistrate Ist Class, Chandigarh (for short 'JMIC') with reference to application No.1527 of 2015 titled as Chet Singh Vs. SSP, Chandigarh filed under Section 156 (3) Cr.P.C.

2.) Learned counsel for the petitioner submitted that copy of the challan has not been made available further JMIC has not considered other prayers in the application like *“It is still further prayed that appropriate directions may kindly be issued against the concerned negligent officer(s) who are responsible for committing inordinate delay in the investigation for unreasonable and unjustified reasons.”* Counsel for the petitioner submitted that perusal of the order dated 17.01.2018 shows there is no

consideration in respect of the aforesaid prayer of the petitioner.

3.) Perusal of the order shows that there is no consideration of the petitioner's prayer but at the same time till the filing of application, challan has already been filed and jurisdiction of Court ceased on the relevant time. So, the Magistrate rightly rejected the application. Supply of documents, petitioner being complainant is not entitled for copies under the provision of Cr.P.C. However, he can take certified/uncertified copies on proper application as per rule.

4.) JMIC, Chandigarh is hereby directed to consider the aforesaid prayer on filing application in challan within a reasonable period of 3 months from today after giving due opportunity to the parties including the official respondents. Today learned counsel for the respondents submitted that copy of the challan would be made available to the petitioner. Learned counsel for the respondents has handed over a copy of the complete challan papers containing 813 pages to the learned counsel for the petitioner.

5.) With the above observations, petition stands disposed of.

(P.B. BAJANTHRI)
JUDGE

September 21, 2018.
sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.