

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

**Criminal Revision No.2169 of 2018 (O&M)
Date of Decision: July 27, 2018**

Sukhdarshan Jain

.....PETITIONER(s).

VERSUS

State of Haryana and others

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Sunny Bhardwaj, Advocate
for the petitioner (s).

SURINDER GUPTA, J.

This is revision petition against the order dated 23.04.2018 passed by Judicial Magistrate 1st Class, Hansi, whereby the application under Sections 190 and 209 Code of Criminal Procedure (for short-Cr.P.C.) filed by the petitioner-complainant, was dismissed.

Heard.

In this case, challan was presented on 08.01.2014. The petitioner-complainant filed application under Section 190 and 209 Cr.P.C. for direction to the police to submit supplementary challan and for committing the case for trial to the Court of Sessions.

Learned counsel for the petitioner-complainant submits that after the registration of FIR No.252 on 30.05.2013 at Police Station Narnaund, investigation was first conducted by DSP, Hansi, who vide his report found four persons named by the petitioner namely Amarjit Singh,

Hoshiar Singh, Ajmer and Chandi Ram as innocent. The matter was again enquired by DSP City Hisar, who found all the persons named in the FIR as guilty. The police on the basis of report of DSP, Hansi, presented the challan and did not refer to the report of DSP City Hisar. Though this report was having reference in the challan, however, it was not made part of it. The petitioner moved application before the Court to take cognizance as per report of DSP City, Hisar dated 11.09.2013 and to commit the case to the Court of Sessions but learned trial Court has declined the application with the observation that report dated 11.09.2013 cannot be considered at this stage.

As per learned counsel for the petitioner, charges have been framed in the year 2015 and thereafter, the Court is recording prosecution evidence. Till date, the complainant/prosecution has examined only two witnesses. This fact is fairly conceded by learned counsel for the petitioner that at this stage, there is no evidence on record in support of application moved by the petitioner. The contention of learned counsel for the petitioner that Court should look into the report dated 11.09.2013, has no basis. The Court has to determine the charges prima facie made out from evidence on file and not the basis of report of one police officer or the other. It is quite strange that instead of leading evidence in support of his case, the complainant is wasting the time of Court by moving such applications.

Another argument of learned counsel for the petitioner is that the Court below has observed while rejecting his application that report of DSP City Hisar is earlier than the report of DSP, Hansi and this is a factual error in the impugned order.

Even if, the above contention of learned counsel for the petitioner be considered, it makes no reason or ground to allow the application filed by him as the Court has to see the evidence at the time of framing of the charge and admittedly, no revision against the order framing charge has been filed by the petitioner.

In view of my above discussion, I find no legal or factual infirmity in the impugned order, calling for any interference.

This petition has no merits.

Dismissed.

Keeping in view the fact that challan was filed in January, 2014 and a period of more than four and half years has elapsed thereafter, direction is issued to the trial Court to expedite the disposal of the case by giving short adjournments and make all attempts to dispose of the same at the earliest, preferably within a period of six months.

Copy of this order be conveyed to the trial Court.

July 27, 2018
Sachin M.

(SURINDER GUPTA)
JUDGE

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

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