

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR No. 392 of 2018 (O&M)

Date of Decision: 17.05.2018

Deepak Kumar

...Petitioner

VERSUS

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Sanjay Vashisth, Advocate
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

SURINDER GUPTA, J.(Oral)

Learned counsel for the petitioner submits that while taking on record sanction order for prosecution of petitioner, trial Court has made certain remarks, which will prejudice right of petitioner to raise objection at the time of tendering of that document in evidence and also at the time of final arguments. He has referred to observations of trial Court in para 10 of the order dated 05.01.2018, wherein it has been observed that name of Anil Kumar was inadvertently mentioned in earlier sanction order produced on record, it cannot be said that sanction granted by competent authority is without any application of mind and that mentioning of name of accused- Anil Kumar in sanction order inadvertently is a clerical mistake, which will not cause any prejudice to the petitioner.

He argues that by making above observations, trial Court has already decided the issue which the petitioner could raise at the time of final arguments regarding validity of sanction. Learned counsel for the petitioner further submits that sanction of prosecution of petitioner could not be

produced at this stage.

The prosecution moved application for placing on record the correct sanction order for prosecution of petitioner-Deepak Kumar, Clerk on the ground that earlier sanction order passed by Director, Employment Office, Haryana, Panchkula was placed in file on which name of accused Anil Kumar in place of name of petitioner-Deepak Kumar was inadvertently written. Learned trial Court has observed that in the forwarding letter name of Deepak Kumar was mentioned but in the sanction order name of Anil Kumar was recorded. The prosecution in order to rectify its mistake has placed on record correct sanction order and the trial Court has committed no error of law by allowing the prosecution to place this document on record.

It is, however, made clear that nothing observed by trial Court in order dated 05.01.2018 regarding validity of sanction order, application of mind by competent authority, while granting sanction of prosecution of petitioner, will be considered as opinion of trial Court on merit or debar the petitioner from raising any objection at the time of recording of evidence to produce this document and also at the time of final arguments.

With above observations, the instant revision is dismissed.

May 17, 2018
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No