

**LPA No. 402 of 2018 (O&M) in
CWP No. 24673 of 2017**

1

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**LPA No. 402 of 2018 (O&M) in
CWP No. 24673 of 2017
Date of decision : April 4, 2018**

Dr. S. K. Kapoor

..... Appellant

Versus

State of Haryana and another

..... Respondents

**CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MR. JUSTICE B. S. WALIA**

Present:- None for the appellant.

RAJESH BINDAL, J.

When the case was taken up in the first call, a request for adjournment was made. It was declined. The case was passed over.

When the case was taken up at the second call, none appeared for the appellant. The order dated November 20, 2017 has been impugned by filing the present intra court appeal. The writ petition was filed with the following prayer:-

“a) The trial court record of the case under reference of FIR No.65 dated 31.1.1998 of Police Station Civil Lines Rohtak may kindly be summoned and the petitioner exempted for filing the certified copies of the annexures.

b) Allow the present petition and to adjudicate the revision petition CRM No.M-8452 of 2017 (O&M) titled Dr. S. K. Kapoor Vs. State of Haryana and another, on its merits, and to set aside the order dated 17.9.2016 and

26.9.2016 on the application under Section 193 Cr.P.C.of
the petitioner, and

c) To order summoning of the named accused Shri B. P.
Jindal, Shri Anil Kumar and Shri A. S. Chawla, named
accused for their trial along with accused Kanwar Singh
in session case of FIR No. 65 dated 31.1.1998 of Police
Station Civil Lines, Rohtak.”

CRM No. M-8452 of 2017 was filed by the appellant
challenging the order dated 17.9.2016 passed by the Additional Sessions
Judge, Rohtak whereby the application filed by the appellant under Section
193 Cr.P.C was dismissed. The aforesaid order was sought to be challenged
by filing the writ petition. The writ petition was dismissed as not
maintainable as any order passed by a Bench of this Court exercising
criminal jurisdiction cannot be challenged by filing a Civil Writ Petition.

There is no error in the order passed by the learned
Single Judge. The appeal is dismissed. Consequently, the application for
condonation of delay in refiling the appeal is also dismissed.

**(RAJESH BINDAL)
JUDGE**

**(B. S. WALIA)
JUDGE**

April 4, 2018

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Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No