

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

DATE OF DECISION:-07.01.2019

(1) CRR NO.2 OF 2019

SURJIT SINGH

...PETITIONER...

V.

GURCHARAN SINGH

...RESPONDENT...

(2) CRR NO.3 OF 2019

SURJIT SINGH

...PETITIONER...

V.

GURCHARAN SINGH

...RESPONDENT...

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. S.S. Rangi, Advocate for the petitioner(s).

RAMENDRA JAIN, J. (ORAL)

Through this judgment, two above titled revision petitions are being disposed of between the same parties against order dated 18.12.2018 of the trial court, whereby application of the petitioner under Section 311 Cr.P.C. for summoning DSP, Pritam Singh of Sub Division Rupnagar, the then SHO, Rupnagar and summoning of record clerk of judicial record with the decided file to prove document mark D-1 in defence was dismissed.

Briefly, petitioner-accused is facing trial as an accused in complaint under Section 138 of the Negotiable Instruments Act filed by respondent against him in the year 2007. Respondent-complainant

concluded his evidence in or prior to the year 2013. Consequently, statement of the petitioner under Section 313 Cr.P.C. was recorded on 04.09.2013. The petitioner in his defence has already examined record clerk of Judicial Record Room, Ropar on 29.10.2013. Therefore, re-summoning of record clerk of Judicial Record Room cannot be permitted to satisfy the whims and fantasies of the petitioner, more particularly, when it is evident on record that he is out and out to delay the proceedings of the complaint case registered against him.

Moreso, perusal of impugned order shows that petitioner as DW-7 himself averred in the application that respondent has admitted the correctness of proceedings under Section 182 Cr.P.C. Since, the fact which now, the petitioner wants to prove by way of additional evidence has already been admitted by respondent, therefore, there is no necessity to summon DSP, Pritam Singh and the then SHO, PS Sadar, Rupnagar to prove the same.

The complaint against the petitioner is pending since last around 12 years. After recording statement of the petitioner under Section 313 Cr.P.C., he has availed numerous opportunities, as is evident from order dated 19.12.2018. Therefore, finding no justification and merit in these revision petitions for grant of opportunity to the petitioner to examine DSP, Pritam Singh and the then SHO, Rupnagar, the same are dismissed.

07.01.2019

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whether speaking/reasoned:

whether reportable:

(RAMENDRA JAIN)
JUDGE

Yes/No

Yes/No