

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

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**CRM-M-41343-2014(O&M)
Date of Order:24.09.2019**

SUBHASH

..Petitioner

Versus

SULTAN SINGH & ORS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Akshay Jindal, Advocate, and
Ms. Stuti Goel, Advocate,
for the petitioner.

Dr. Deepak Jindal, Advocate,
for respondents no.2 to 6.

ANIL KSHETARPAL, J(Oral)

Present petition under Section 482 Cr.P.C has been filed challenging correctness of the order passed by learned Judicial Magistrate Ist Class, Karnal, discharging the accused, upheld in revision by the Court of learned Additional Sessions Judge.

The learned Judicial Magistrate noticed that the alleged eye witnesses, namely, Phool Singh, father of the complainant and Bhula Ram have not been examined. The court further noticed that the present complaint was filed on 14.08.2003, just 16 days prior to the decision of a case wherein complainant was an accused person. The court further noticed that there are contradictions, discrepancies and other facts and circumstances of the case, which led the Court to a conclusion that the present litigation is a frivolous litigation.

This court has heard learned counsel for the parties at length and with their able assistance gone through the orders passed and the paper book.

In the considered view of this Court, there is no ground to interfere for following reasons:-

- (i) Under the garb of petition under Section 482 Cr.P.C. second revision is not maintainable in view of bar contained in Section 397 Cr.P.C.;
- (ii) Learned counsel for the petitioner failed to point out any perversity, patent illegality or material irregularity in the orders passed.

Hence, dismissed.

September 24, 2019
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No