

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-49165 of 2017

.....

Date of decision:21.08.2019

Harbans Lal

...Petitioner

v.

State of Punjab and others

...Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Sunil Agnihotri, Advocate for the petitioner.

Mr. Sidakmeet S. Sandhu, Assistant Advocate General, Punjab
for the respondent-State.

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Inderjit Singh, J.

The petitioner has filed this petition under Section 482 Cr.P.C. praying for quashing of the order dated 16.11.2017 (Annexure-P.3) passed by learned Sub Divisional Judicial Magistrate, Mukerian, whereby the prosecution evidence has been closed by order in FIR No.84 dated 23.6.2014 registered for the offences under Sections 325 and 323 IPC at Police Station Mukerian, Distt. Hoshiarpur. It has further been prayed that till the final decision of the present petition, proceedings before the trial Court may please be stayed, in the interest of justice.

Notice of motion was issued in this case.

Mr. Sidakmeet S. Sandhu, learned Assistant Advocate General, Punjab has appeared on behalf of the respondent-State and contested this petition.

I have heard learned counsel for the petitioner as well as

learned State counsel and have gone through the record.

A perusal of the record shows that as per the impugned order, the prosecution has failed to conclude its evidence despite availing number of opportunities including last opportunity and the Court below found that there is no other option but to close the prosecution evidence by order.

At the time of arguments, learned counsel for the petitioner has not argued anything that reasonable opportunities were not granted. Rather, a perusal of the impugned order shows that prosecution was acting in most inert manner as it has failed to conclude the evidence despite availing number of opportunities including special last opportunity. The evidence has been closed by order vide order dated 16.11.2017. The FIR in this case is dated 23.6.2014 which is for the offences under Sections 325 and 323 IPC. As reasonable opportunities have already been granted to the prosecution and this fact has not been challenged by the petitioner regarding grant of reasonable opportunities, therefore, the impugned order passed by the learned trial Court is correct, as per evidence and law and no illegality has been committed while closing the evidence of the prosecution and declining further adjournment for evidence.

In view of the above, I find no merit in this petition and the same is dismissed.

August 21, 2019.

(Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No