

130

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-34907-2019
Date of decision-27.08.2019

Ramesh Kumar

....Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Rajesh Bansal, Advocate for the petitioner.

MANOJ BAJAJ, J.

Petitioner-Ramesh Kumar has filed this petition under Section 482 Cr.P.C to challenge the order dated 20.03.2019 passed by learned Judicial Magistrate First Class, Panipat, whereby the Court has proceeded to close the prosecution evidence.

Learned counsel for the petitioner contends that on the said date, the Court had examined one witness and specifically observed that summons issued for service of another witness have not been received. However, the trial Court instead of affording another opportunity to examine the prosecution witnesses proceeded to pass the extreme order. The said order reads as under:-

“Today the case was fixed for prosecution evidence. PW-9 Babli is present and examined. No other PW is present. Bailable warrant issued to PW HC Mukesh not received back in any form. Adjournment requested. Heard. Perusal of the file reveals that the prosecution has availed nineteen effective opportunities including last opportunity to conclude its evidence but failed to do so. No more opportunity is justified. Accordingly, evidence

of the prosecution is closed by Court orders. Now to come up on 10.04.2019 for recording statement of accused under Section 313 Cr.P.C.”

Considering the nature of the dispute and the relief claimed, this Court does not deem it appropriate to issue notice to the complainant as it would cause extra burden upon them. However, on the asking of the Court, Mr. Sukhdeep Parmar, DAG, Haryana accepts notice on behalf of the respondent-State. A complete copy of the paper book has been furnished to the learned State counsel, in the Court.

After considering the arguments of learned counsel for the petitioner and perusal of the order, this Court is of the opinion that the prosecution deserves to be given two effective opportunities to conclude the evidence.

For the reasons mentioned above, petition is accepted and the impugned order dated 20.03.2019 is set aside. It is directed that the trial Court shall afford two effective opportunities to the prosecution to conclude the evidence by fixing specific dates.

Disposed off.

(MANOJ BAJAJ)
JUDGE

27.08.2019

vanita

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No