

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

CRR-1903-2018

Date of Decision: 26.02.2020

SURENDER Petitioner

Versus

STATE OF HARYANA Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: None for the petitioner.
Mr. Tanuj Sharma, Asstt. A.G., Haryana.

JAISHREE THAKUR, J.(ORAL)

This petition has been filed seeking to challenge the order dated 21.05.2018 passed by the Addl. Sessions Judge, Kurukshetra whereby application under Section 311 Cr.P.C. filed by the prosecution was allowed.

In brief, the facts of the case are that an FIR No.104 dated 05.04.2016 came to be registered under Section 306 IPC at Police Station, Kurukshetra University, Kurukshetra. During the pendency of the trial, the prosecution moved an application under Section 311 Cr.P.C. To the effect that during the investigation, the Investigating Officer seized two mobile phones namely (i) Lenovo Model No.A7000 and (ii) Samsung Mobile Model No.SM-J700F/DD alongwith one airtel micro sim card and one idea micro sim card besides the micro SD card and the same were sent to CFSL, Chandigarh for analysis. However, the said phones could not be unlocked at the relevant time. It was thus prayed that the seized mobile phones be again sent to CFSL, Chandigarh for further examination and report based on the fact that CFSL now had the technology to open the locked phones.

The application was contested by the accused petitioner herein. However, the Addl. Sessions Judge, Kurukshetra allowed the said application on the basis that the evidence available from the phones would be required for proper adjudication of the case.

The aforesaid order came to be passed on 21.05.2018 which has been challenged. No one has put in an appearance on behalf of the petitioner herein who is aggrieved against the order allowing additional evidence under Section 311 Cr.P.C.

A perusal of the said order would reflect that the seized mobile phones were sent to CFSL, Chandigarh for examination and the report was awaited for 29.05.2018 and this case is now coming up for hearing almost 18 months thereafter. Since there is no one to assist the Court on behalf of the petitioner, this Court presumes that the instant petition has been rendered infructuous in the interregnum

Consequently, the same stands dismissed. However, before parting with this order, liberty is allowed to the petitioner to have the matter revived in case the dispute still survives

(JAISHREE THAKUR)
JUDGE

26.02.2020
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No