

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

Criminal Rev. No. 3470 of 2018 (O&M)
Date of decision: 24.2.2020

Vineet Kumar and others

...Petitioners

Versus

Sonia Khatri

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Ms. Shallie Mahajan, Advocate,
for the petitioners.

Mr. S.K. Jain, Advocate,
for the respondent.

JAISHREE THAKUR, J.

By way of instant revision, the petitioners herein seek to challenge the order dated 10.9.2018, whereby the application of the petitioners for summoning witnesses mentioned at serial No. 2 to 5 and 8 to 13 has been dismissed.

In brief, the facts are that marriage between petitioner No.1 and the respondent was solemnized on 6.3.2006 at Rajpura as per Hindu rites and ceremonies and a baby girl was born out of this wedlock. However, some matrimonial differences arose between the parties and as such the respondent lodged a complaint under Section 498-A and 406 IPC against the petitioners on 4.9.2010. The matter was thoroughly investigated by the DSP Rajpura and the complaint was found to be false and frivolous and the petitioners were found to be innocent. Thereafter, the respondent filed a private complaint under Section 406 and 498-A IPC before the Sub

Divisional Judicial Magistrate, Rajpura, in which the petitioners were summoned, charges were framed against them and after conclusion of the evidence by the respondent, statement of the petitioners were recorded under Section 313 of the Code of Criminal Procedure. After recording of the statement under Section 313 of the Code, the petitioners moved an application for examining 13 witnesses, which was partly allowed by order 10.9.2018, as noticed above. Aggrieved against the the order, the instant revision has been filed.

Learned counsel for the petitioners submits that the trial court has erred in dismissing the application for examination of all the 13 witnesses as mentioned in the application dated 6.9.2018, who are relevant for fair and just conclusion of the trial.

On the other hand, learned counsel appearing on behalf of the respondent submits that no ground is made out to interfere with the impugned order, as there is no illegality or infirmity in the same.

I have heard learned counsel for the parties and have gone through the pleadings of the case.

The trial court, while dismissing the application has observed that on being asked about the relevancy of the witnesses sought to be summoned, the petitioners herein failed to give any satisfactory reply as to how they were acquainted with the facts and circumstances of the present case as some of them are officials working in the department where the respondent herein is working. Apart from that, the trial court has also observed that as to how the criminal complaint, if any, filed by the sister of the respondent herein against her husband is relevant in the present case.

Besides this, the trial court has also noticed that the petitioners herein did not cross-examine the complainant and her witnesses, upon the fact that the witnesses sought to be summoned are relevant and acquainted with the facts of the present case. During the course of arguments, even before this Court, learned counsel for the petitioners failed to show any relevancy of these witnesses to the facts of the present case. The trial court has rightly dismissed the application for summoning of the witnesses sought to be summoned and no ground is made out to interfere with the order.

In view of the above, the revision petition is dismissed being devoid of any merit.

24.2.2020

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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned

Yes

Whether reportable

No