

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH
Sr. No.: 115

Criminal Miscellaneous No.M-49393 of 2021
Date of Decision: November 26, 2021

Rupinderjit Saini & another

..... PETITIONER(S)

VERSUS

State of Punjab & others

..... RESPONDENT(S)

. . .

CORAM: **HON'BLE MR. JUSTICE SANT PARKASH**

. . .

PRESENT: - Mr. Ramneek Vasudeva, Advocate, for the petitioners.

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Sant Parkash, J

The present petition has been filed under Section 482 Cr.P.C. for setting aside impugned order dated 12.10.2021 (Annexure P-1), whereby learned Sessions Judge, Rupnagar by passing a totally wrong, illegal, non-speaking and cryptic order, allowed the revision petition filed by respondent No.2/complainant against order dated 01.02.2020 (Annexure P-2) passed by the Court of Judicial Magistrate 1st Class, Rupnagar, vide which the applications filed by respondent No.2/complainant for admission or denial of certain facts/documents and Section 311 Cr.P.C. were dismissed.

Notice of motion.

Mr. Tanvir Joshi, Assistant Advocate General, Punjab accepts notice on behalf of the respondent-State.

Mr. Preetinder Singh Ahluwalia, Advocate with Mr. Vipul Joshi, Advocate, puts in appearance on behalf of respondent No.2/complainant by filing his vakalatnama, which is taken on record.

Copy of the paper book be supplied to counsel for the respondents during the course of the day.

It is pertinent to mention here that respondent No.2/complainant filed two applications before learned trial Court: one under Section 311 Cr.P.C. and another under Section 294 Cr.P.C. and vide order dated 01.02.2020 (Annexure P-2), both the applications were dismissed.

On preferring revision petition, learned Sessions Judge, Rupnagar passed the impugned order whereby the said order dated 01.02.2020 (Annexure P-2) was set aside and both the applications were allowed.

At the very outset, learned counsel for the petitioners would submit that he would not like to press the petition with regard to the order passed on application under Section 311 Cr.P.C., to which, learned counsel for respondent No.2/complainant has no objection. Consequently, the petition, as far as application under Section 311 Cr.P.C. is concerned, stands dismissed as withdrawn.

With regard to the same order vide which the application under Section 294 Cr.P.C. was allowed, learned counsel for respondent

No.2/complainant has placed on record the copy of order dated 12.11.2021, whereby petitioner has refused to admit or deny the documents. However, learned counsel for respondent No.2/complainant has undertaken that he will only lead evidence in view of the application under Section 311 Cr.P.C. and will not press the contents of application under Section 294 Cr.P.C.

In view of the undertaking given before this Court, the remaining portion of the impugned order as regards the application under Section 294 Cr.P.C., the petition has become infructuous.

In view of the circumstances explained above, the present petition is dismissed having been partly withdrawn and partly becoming infructuous.

**(Sant Parkash)
Judge**

November 26, 2021
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Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No