

In the High Court of Punjab and Haryana at Chandigarh

CRM-M No. 24206 of 2022

Date of Decision: 02.8.2022

Mohan Sham Verma @ Mohan Sham

.....Petitioner

Versus

Jaideep Singh Bedi

.....Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Ramnish Puri, Advocate
for the petitioner.

SURESHWAR THAKUR, J. (ORAL)

1. After closure of the proceedings, drawn under Section 313 of the Cr.P.C., in respect of the petition complaint, the accused chose to adduce defence evidence. In that regard, he, as revealed in Annexure P-6, moved an application claiming therein, an order for the summoning of the witnesses, as detailed therein, and, also for his ensuring qua each of the persons/witnesses, detailed in Annexure P-6, produce before the learned trial Judge concerned, the summoned record. However, the learned Judicial Magistrate concerned, through an order, drawn thereon on 26.8.2021, except for permitting the leading into the witness box, of the person(s) occurring at Sr. No. 1, 2, 3, and, 4, in Annexure P-6, declined to order for the summoning of the other persons, as witnesses, for enabling the accused to prove his defence.

2. The above made order is conclusive, as it is not yet been challenged, and, if on any subsequent thereto application, seeking modification of the above order, any disaffirmative order, rather has been made, thereupon, the disaffirmative order, as made by the learned trial Judge concerned,

subsequent to the final, and, conclusive order, drawn on 26.8.2021, cannot be

concluded, to be suffering from any legal infirmity, unless the order drawn on 26.8.2021, became assailed, and, also it became annulled.

3. Reiteratedly, since the order, drawn on 26.8.2021, is not challenged, thereupon, the order subsequent thereto, declining order qua its modification, also remains unamenable for its being quashed, and, set aside, but yet liberty is reserved to the petitioner, to through an appropriate motion, being cast before the learned jurisdictionally competent Court, make a challenge to the order, drawn on 26.8.2021.

4. With the above observations, the present petition is disposed of.

(SURESHWAR THAKUR)
JUDGE

August 02, 2022
Gurpreet

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