

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-26573 of 2022

Date of Decision:15.11.2022

Ashfak Ahmed

-----Petitioner

vs.

State of Haryana and others

-----Respondents

Coram: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Sarfraj Hussain, Advocate,
for the petitioner

Ms. Dimple Jain, AAG, Haryana

JAGMOHAN BANSAL (ORAL)

Instant petition has been filed under section 482 CrPC for quashing of supplementary challan under Section 178(3) CrPC report dated 21.5.2022 (Annexure P-3) and order dated 24.5.2022 passed by Chief Judicial Magistrate, Nuh.

Learned counsel for the petitioner relying upon judgment of Hon'ble Supreme Court in **Bhagwant Singh vs. Commissioner of Police 1985 (2) SCC 537** submits that CJM, Nuh has accepted supplementary challan filed under Section 173(8) Cr.P.C. without notice to the complainant which amounts to violation of principles of natural justice.

Learned State counsel, on being confronted with this fact, submits that State has no objection if one opportunity is granted to the petitioner.

In view of the fact that the impugned order was passed without notice to the complainant and statement of counsel for the State, the impugned order dated 24.5.2022 (Annexure P-4) passed by CJM, Nuh, is

set aside and the petitioner is directed to appear before CJM, Nuh on 29.11.2022 who will pass fresh order without being influenced by the fact that earlier order has been set aside. It is made clear that no adjournment shall be granted to any of the parties except it is beyond the control of judicial officer. Order shall be passed on the date fixed, in accordance with law.

Petition stands disposed of.

(JAGMOHAN BANSAL)
JUDGE

November 15, 2022
paramjit

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