

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

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CRM-M-53373-2023 (O&M)
Date of decision: 19.12.2023

Krishna Kumari and others**...Petitioners**

Versus

State of Haryana**...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Vishal Nehra, Advocate
for the petitioners.

Mr. Arjun Lakhanpal, Addl. A.G., Haryana.

MANISHA BATRA, J. (Oral)

1. The instant petition has been filed by the petitioners under Section 482 Cr.P.C. seeking direction to Sub-Divisional Judicial Magistrate, Gohana to conduct speedy trial in case bearing CHI-236-2018 arising out of FIR No. 155 dated 23.03.2018, registered under Sections 323, 354, 377, 406, 498-A and 506 of the IPC at Police Station Gohana City, District Sonipat.
2. The petitioners are nominated as accused in the aforementioned case and are facing trial before the Sub-Divisional Judicial Magistrate, Gohana. It is submitted by the petitioners that after presentation of challan in the aforesaid case, charges were framed on 13.08.2019. However, since then, the case is pending for examination of prosecution witnesses and only one

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witness has been examined so far in a span of more than four years. It is submitted that petitioner No. 1 is suffering from Cancer. Petitioner Nos. 2 and 3 are also senior citizens, being aged above sixty years. They are suffering due to dilatory tactics on the part of the complainant to delay the disposal of the case as the complainant and her father are intentionally delaying the proceedings. Prayer has accordingly been made to issue direction to the trial Court for deciding the case expeditiously by summoning all the witnesses.

3. Learned State counsel has submitted that last opportunity has already been granted to the prosecution to conclude its evidence and now the case is adjourned for 11.03.2024.

4. I have heard learned counsel for the parties at length and have perused the copies of orders, passed by the trial Court, which have been placed on record by the petitioners as Annexures P-2 and P-4 (colly.). A perusal of the same reveals that after framing of charge as on 13.08.2019, only one witness has been examined by the prosecution during a span of more than four years. It is also revealed that during the period of outbreak of pandemic Covid-19, adjournments had been granted for some dates. Though the trial Court is shown to have given as many as four last opportunities including several effective opportunities to the prosecution but ever since, still only two witnesses have been examined by the trial Court.

5. Keeping in view aforesaid facts and circumstances, the present petition is disposed of with a direction to the trial Court to issue warrants/bailable warrants against all the witnesses for the next date of hearing with a letter to Superintendent of Police, Sonipat to ensure the

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presence of such witnesses on the next date of hearing i.e. 11.03.2024, which has already been ordered to be treated as last opportunity.

6. The Superintendent of Police, Sonipat is also directed to ensure the presence of all the witnesses on the date so fixed.

19.12.2023

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No