

113

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-53262-2023
Date of decision: 16.11.2023

ISHWAR CHAUDHARY @ ISHWAR SINGH

...Petitioner

VERSUS

SANTOSH JHAWAR AND ORS.

...Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Ms. Amrita Nagpal, Advocate and
Mr. Anish Verma, Advocate
for the petitioner.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 482 Cr.P.C. seeking appropriate directions to be issued to the learned Court of Judicial Magistrate 1st Class, Gurugram to decide the complaint No.NACT-8119-19, titled as *Ishwar Choudhary versus Santosh Jhawar and others* (Annexure P-1) in a time bound manner, preferably within a period of one month.

2. Learned counsel for the petitioner submitted that the complaint is of the year 2019 and till date it has not been decided by the learned Judicial Magistrate 1st Class, Gurugram.

3. On the last date of hearing i.e. on 19.10.2023, this Court had called for a report from the learned trial Court with regard to the stage of the case. Report has been received from the learned Judicial Magistrate 1st Class, Gurugram dated 07.11.2023, wherein it is submitted that it was due to outbreak

of COVID-19 as well as in securing presence of the accused persons, who are residing in West Bengal that the matter has been delayed. It is further stated in the said report that the accused persons have not appeared and notice of accusation has already been served upon them and the Court is trying the case summarily and will proceed to record the statements of accused persons under Section 263(g) Cr.P.C. on the next date fixed i.e. on 29.11.2023. The concluding part of the aforesaid report of the learned Judicial Magistrate 1st Class, Gurugram is reproduced as under:-

“It is further submitted that the delay was due to outbreak of COVID-19, as well as in securing presence of the accused persons, because the accused were residing in West Bengal. Every strict measures has been taken to secure the presence of accused persons. Now, the accused has appeared and notice of accusation has already been served upon them. The court is trying the case summarily and will proceed to record the statement of accused persons u/s 263(g) Cr.P.C. on the date fixed i.e. on 29.11.2023.

All the zimni orders of this case are attached herewith for the kind perusal of the Hon’ble High Court, Submitted please.”

4. The prayer made in the present petition is for deciding complaint No.NACT-8119-19, titled as *Ishwar Choudhary versus Santosh Jhawar and others* (Annexure P-1) in a time bound manner, preferably within a period of one month. Such period of one month is totally unreasonable and cannot be accepted. However, as per the learned Judicial Magistrate 1st Class, Gurugram, the case is now being tried summarily and the statements of the accused persons

are to be recorded on the next date of hearing i.e. on 29.11.2023. Therefore, no further directions are required to be passed in the present case.

5. Consequently, the present petition is disposed of.

16.11.2023
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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