

CRM-M-59292-2022 (O & M)

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(117)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-59292-2022 (O & M)

Date of Decision: 14.11.2023

Jarnail Singh

... Petitioner

Versus

State of Haryana and ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. H.S. Aujla, Advocate, for the petitioner.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 482 Cr.P.C. is for the quashing of the order dated 13.07.2018 (Annexure P-5) passed by the Judicial Magistrate Ist Class, Karnal dismissing the application under Section 319 Cr.P.C. moved by the petitioner and the order dated 04.10.2018 (Annexure P-7) passed by the Court of the Additional Sessions Judge, Karnal, whereby the revision petition against the order of the Judicial Magistrate Ist Class, Karnal, has been dismissed.

2. The brief facts of the case are that an FIR No.175 dated 09.05.2014 under Sections 323, 324, 506 and 34 IPC (Annexure P-1), Police Station Nissing, District Karnal was registered on the statement of Kabal Singh son of Sadhu Singh against the petitioner and his family members.

3. The petitioner who had allegedly received injuries in the occurrence instituted a cross-case under Sections 323, 324 and 34 IPC vide DDR dated 12.11.2014 (Annexure P-2).

4. That pursuant to the conducting of the investigation, the report

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under Section 173 Cr.P.C. was presented in which respondents No.2 to 4 were declared innocent.

5. During the course of Trial, the petitioner appeared as PW-1 in the Court of the Judicial Magistrate Ist Class, Karnal on 02.03.2016 and reiterated the prosecution case against the respondents No.2 to 4 as well. On the basis of the said statement, the APP for the State moved an application under Section 319 Cr.P.C. to summon the respondents No. 2 to 4 as additional accused. However, the said application came to be dismissed by the Court of the Judicial Magistrate Ist Class, Karnal vide order dated 13.07.2018 (Annexure P-5).

6. Aggrieved with the passing of the aforementioned order, the petitioner preferred a revision petition before the Court of the Additional Sessions Judge, Karnal, which came to be dismissed vide order dated 04.10.2018 (Annexure P-7) passed by the Additional Sessions Judge, Karnal.

7. The petitioner, thereafter, filed CRM-M-61854-2018 challenging the aforementioned orders and after arguing at some length, as the Court was not inclined to interfere with the impugned judgments, a request was made to withdraw the petition. Thus, the said petition came to be withdrawn vide order dated 18.10.2022 (Annexure P-8).

8. Now the instant second petition has been filed seeking the same relief.

9. The learned counsel for the petitioner contends that as the first petition had been withdrawn, he wishes to get the matter decided on merits and hence, the instant petition has been filed.

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10. I have heard the learned counsel for the petitioner and examined the record.

11. When this matter had come up for hearing on 20.12.2022, the learned counsel for the petitioner was asked to explain as to how a second petition on the same cause of action was maintainable once the first petition had been withdrawn after addressing arguments. The matter was adjourned but no such explanation has been furnished by the counsel as to the maintainability of the instant second petition.

12. Apparently, the instant second petition has been filed without any change in circumstances whatsoever. As many as 07 of the 11 prosecution witnesses already stand examined. It appears that this second petition has been filed only to delay the proceedings before the Trial Court and to waste the time of this Court.

13. In view of the above, I find no merit in the present petition and the same stands dismissed.

14. However, for filing the instant frivolous second petition and wasting the time of this Court, the petitioner is directed to deposit a sum of Rs.25,000/- as costs with the District Legal Services Authority concerned. A copy of the receipt for depositing Rs.25,000/- be produced in the Court within 08 weeks from today.

(JASJIT SINGH BEDI)
JUDGE

November 14, 2023
sukhpreet

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