

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

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CRM-M-63927-2023 (O&M)
Date of decision: 20.12.2023

Radhey Shyam**...Petitioner**

Versus

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

Present:- Mr. Munish Mittal, Advocate
for the petitioner.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 482 Cr.P.C., is for issuing direction to the Additional Sessions Judge, Karnal to decide the application bearing CRM-121-2022, filed under Section 340 Cr.P.C. in case titled as State vs. Nortti & others, arising out of FIR No. 278 dated 28.07.2012, registered under Sections 148, 149, 323, 324, 354, 307 of the IPC at Police Station Indri, District Karnal.

2. Briefly stated the facts of the case are that the aforesaid FIR was registered against the petitioner and some other persons, wherein, after a full length trial, the petitioner as well as other co-accused were acquitted by the Court of learned Additional Sessions Judge, Karnala on 02.12.2019. No appeal or revision was filed against the said judgment of acquittal. It is

submitted that the during the course of recording the prosecution evidence in the aforesaid trial, the police officials had falsely deposed on oath before the trial Court by creating false and forged record during investigation. After being acquitted by the trial Court, the petitioner had moved an application under Section 340 Cr.P.C. for initiating action against the persons, who had falsely testified before the trial Court.

3. Learned counsel for the petitioner has submitted that the aforesaid application, filed by the petitioner under Section 340 Cr.P.C., was filed on 03.03.2022 and the main file was summoned for 12.04.2022. On 12.04.2022, the main file was received and the petitioner was examined and the case was adjourned to 05.05.2022 for remaining evidence. Since on 05.05.2022, no witness was present, the case was adjourned to 18.07.2022. On 18.07.2022, two witnesses were present but they were not examined as the Court time was over and the matter was adjourned to 17.09.2022. On 17.09.2022, two witnesses were examined and the petitioner closed his preliminary evidence and the case was adjourned to 18.11.2022. It is submitted that from 18.11.2022, the case has been adjourned for six times on the ground that heavy pendency and to accommodate the Action Plan. It is, therefore, urged that the trial Court be directed to decide the aforesaid application in a time bound manner.

4. I have heard learned counsel for the petitioner at length and have perused the record as well as zimini orders passed by the trial Court, which have been placed on record. A perusal of the orders, passed by the trial Court, shows that the aforesaid application is pending since long and the same has been adjourned several time assigning the reasons with regard to heavy

pendency of cases and to accommodate the Action Plan. It is also revealed that the case is now fixed for 24.01.2024.

5. Keeping in view the limited issue involved in the present petition, the same is disposed of with a direction to the trial Court to decide the aforesaid application, filed by the petitioner under Section 340 Cr.P.C., expeditiously, preferably within a period of three months from today.

20.12.2023
Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No