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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.M.C. 335/2023**

GURPREET SINGH DHODY

..... Petitioner

Through: Mr. M.L. Yadav, Advocate.

versus

ONKAR SINGH CHADHA & ORS.

..... Respondents

Through: None.

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Date of Decision: 18th January, 2023

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

CRL.M.A. 1321/2023 (exemption)

Exemption allowed subject to all just exceptions.

CRL.M.C. 335/2023

1. Present petition has been under Section 482 Cr.P.C. challenging the order dated 10.11.2022, whereby the application under Section 311 Cr.P.C. filed by the petitioner has been dismissed.
2. Learned counsel for the petitioner submits that this case is based on the documentary evidence and in absence of the documents sought to be produced, the petitioner will not be able to prove his case.
3. A perusal of the order passed by the learned Trial Court indicates that the complaint has been pending for more than the last 17 years. Further, the complainant was given repeated opportunities and only then the post-charge

evidence of the complainant was led which continued for more than a year. Moreover, the complainant previously had moved an application to place on record a certificate which was also dismissed by the learned trial court vide order dated 06.06.2022. Further, This court previously on 03.01.2022 had directed that the trial shall be completed in a time-bound manner.

4. It is true that this Court has inherent powers but the same are required to be exercised sparingly so as to avoid needless multiplicity of proceedings and unnecessary delay in trial and protraction of proceedings. Such powers under Section 482 Cr. P.C. can only be exercised by this Court when on examination of the record, it comes to the conclusion that either a grave miscarriage of justice is caused or it is an abuse of process in passing the impugned orders or the required statutory procedure was not followed by the courts below. Whenever the petitions are filed under Section 482 Cr.P.C. with a view to circumvent the bar of revision under Section 397(2) Cr.P.C. against the interlocutory order and bar of second revision under 399(3) Cr.P.C., then ordinarily this court should be slow in exercising its powers under Section 482 Cr.P.C. Such powers should be exercised in rare cases where there is a grave miscarriage of justice or an abuse of process by courts below while passing the impugned orders otherwise not.

5. In the present case, the complaint is from the year 2008. The order of the learned Trial Court indicates that sufficient opportunities were already given to the complainant. Further, it is not the case of the complainant that some new evidence has been unearthed which was not earlier in his possession. The evidence sought to be produced was well within the

knowledge of the complainant. The opportunities for the parties can not be given for an unlimited time.

6. Taking into account the totality of facts and circumstances, I do not see any reason to interfere with the order of the learned Trial Court. However, it seems that the application as well as the present petition has been filed with a view to delay the trial. Hence, I am of the opinion that while dismissing this petition, the petitioners should be saddled with costs.

7. Accordingly, the present petition is dismissed with costs of Rs.1,000/- to be deposited with Delhi High Court Legal Service Committee.

DINESH KUMAR SHARMA, J

JANUARY 18, 2023
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