

139 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-7363-2024 (O&M)
Date of Decision: 13.02.2024

ANIL KUMAR

.....PETITIONER

Vs.

REKHA AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Kulwinder Singh, Advocate,
for the petitioner.

HARPREET KAUR JEEWAN J.

1. The present petition has been filed under Section 482 Cr.P.C. for setting aside the order dated 12.01.2024 (Annexure P-5), passed by learned Additional Civil Judge (Senior Division) [sic.] Sub Divisional Judicial Magistrate, Dasuya, whereby the application filed by the petitioner for production of certain documents has been dismissed.

2. Learned counsel for the petitioner *inter alia* contends that an application was filed by the petitioner for placing on record certain documents but the same was dismissed, vide impugned order dated 12.01.2024 (Annexure P-5) without observing anything thereon.

3. The said documents are material for adjudication of the controversy between the parties. Keeping in view the facts on record, issuance of notice to the private respondents is dispensed with. The impugned order reads as under:-

*“Sh. Sandeep Adv. Appeared and filed
power of attorney on behalf of respondent No. 1.*

Sh. MS Kajla, learned counsel for the respondent No. 1 filed an application for adjournment of the case for a few days. Reply to the application also filed.

I have heard the contentions put forth by both the parties. The present application seeking adjournment has been filed averring that as respondents intends to file revision petition against the order so passed qua amendment of reply sought by the respondents. However, it is to be appreciated that the present matter is a time bound matter as per the order dated 21.07.2023 passed in CRM-M-35129-2023 whereby the Court has been directed to decide the matter within a period of six months that upto 01.02.2024 and the mere filing of revision is not a reasonable ground for the respondent to sought an adjournment and not to lead evidence. As per the report of Alhmad, the copies of the applied orders by the accused have been supplied to them as per rules. However, in the interest of justice, the matter is adjourned to 15.01.2024 for RW evidence and for consideration on application for production of documents. Application is accordingly disposed of.”

4. As per the impugned order, only the application filed by the petitioner for an adjournment was disposed of, however, the matter was adjourned to 15.01.2024 for RW's evidence and for consideration on the application for production of documents. As such the application for production of documents was not decided on the said date and the same was adjourned for 15.01.2024.

5. The order dated 15.01.2024 passed by the Court below has been downloaded from the web portal of e-Courts and the same is placed on

record. A perusal of the same would show that the application for production of documents was still pending on 15.01.2024 and even on that date also, the same was adjourned for 18.01.2024.

6. Upon query put to learned counsel for the petitioner to explain the aforesaid position, he could not refute the same.

7. In view of the above factual aspects, the prayer made in the present petition for setting aside the order dated 12.01.2024 is misconceived and the same is liable to be dismissed.

8. Accordingly, the present petition stands dismissed.

9. Pending miscellaneous application (s), if any, shall also stand disposed of.

February 13, 2024
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(HARPREET KAUR JEEWAN)
JUDGE

Whether Speaking Yes
Whether reportable No