

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

277 CRM-M-9248-2024 (O&M)  
DATE OF DECISION: 13.03.2024

UMA SHANKAR

...PETITIONER

Versus

STATE OF HARYANA AND OTHERS ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. C.R.Olla, Advocate for the petitioner(s).  
Mr. G.S.Dhillon, AAG, Haryana.  
Mr. Sanchit Punia, Advocate for respondent No. 2.

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**SANDEEP MOUDGIL, J (ORAL)**

This petition has been filed for issuance of directions to Court of Judicial Magistrate First Class, Hisar to decide the Protest Petition No. COMI/144/2017 dated 29.04.2017 which is pending since 7 years.

In pursuance to the previous order dated 21.02.2024, comments from Judicial Officer Ms. Sonia, Judicial Magistrate 1<sup>st</sup> Class, Hisar has been received explaining the dates of proceedings conducted in the instant case which depicts that 15 effective opportunities to conclude the preliminary evidence has been consumed by the present petitioner i.e. complainant himself. However, the said report itself is sufficient enough to show that preliminary evidence was closed on 25.04.2018 on the statement of learned counsel for the complainant but thereafter, on certain occasions, the Judicial officer was stated to be on maternity leave, thereafter on medical leave on account of some health issue. It is further revealed in the report that the Judicial Officer was also presiding over the Juvenile Justice Board, Hisar as Principal

events has tried to explain the delay that has taken place in the disposal of the protest petition pending before her since 2017.

Though the explanation given by the Judicial Officer is on record refraining the Court to further comment but the Court is bound down to decide the protest petition on which written arguments have already been furnished by learned counsel for the complainant and the case was fixed for arguments on 12.03.2024 on which again the complainant did not appear in person and now the proceedings are fixed for 19.03.2024 as has been informed by learned State Counsel.

Keeping in view the facts and circumstances of the case, the Trial Court is directed to decide the protest petition and to conclude the proceedings on pre-summoning on the next date itself. No further opportunity shall be granted to the complainant for the purpose of addressing arguments and the order be pronounced on that very day itself.

Since the pre-summoning evidence has already consumed almost 7 years by now and if, the Trial Court in future deem it appropriate to proceed with the protest petition, in that eventuality, the trial proceedings shall be completed within a period of one year from today.

Petition is disposed of in the aforesaid terms, inviting no further interference.

Pending application(s), if any, shall be disposed of.

(SANDEEP MOUDGIL)  
JUDGE

13.03.2024

anuradha

Whether speaking/reasonedYes/No

Whether reportableYes/No