

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR-350-2024 (O&M)
Date of decision: 19.03.2024

Kanwaljeet Singh
... Petitioner

Vs.

State of Punjab
... Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Aditya Dassaur, Advocate
for the petitioner.

Mr. Subhash Godara, Addl. A.G., Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. The present revision petition has been filed under Section 401 Cr.P.C. for setting aside the order dated 09.01.2024 passed by the learned Judicial Magistrate 1st Class, SAS Nagar, whereby the application filed by the complainant-petitioner under Section 311 Cr.P.C. for summoning the additional witness has been dismissed.
2. In view of ratio of law laid down by the Hon'ble Supreme Court in *Sethuram Vs. Rajamanickam, 2009 (5) SCC 153* and Delhi High Court in *Kaushalya Rani Vs. Municipal Corporation Delhi and another, 1999 (50) DRJ 155, Rachna Malaviya Vs. State (NCT of Delhi) and another, 2020 SCC Online Del 442* and *Bharat Export Overseas and others Vs. State (NCT of*

Delhi) and another, 2023 SCC Online Del 3121, revision petition against an order passed by the trial Court declining the application under Section 311 Cr.P.C. would not be maintainable.

3. Faced with the above, learned counsel for the petitioner wishes to withdraw the present petition with liberty to file an appropriate application under the relevant provisions of Cr.P.C.

3. Dismissed as withdrawn with liberty aforesaid.

19.03.2024
vishnu

[HARPREET SINGH BRAR]
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No