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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR-648-2018 (O&M)
Date of decision: 31.07.2024

Mamta

... Petitioner

Vs.

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: None for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

HARPREET SINGH BRAR, J. (ORAL)

CRM-6092-2018

1. Present application has been filed under Section 5 of the Limitation Act for condonation of delay of 06 days in filing the revision petition.

2. In view of the averments made in the application, same is allowed and delay of 06 days in filing the revision petition is condoned.

CRR-648-2018

3. Present revision petition has been preferred against the order dated 07.11.2017 passed by learned Additional Sessions Judge (Exclusive Court), Bhiwani, vide which application under Section 319 Cr.P.C. filed by the

prosecution seeking summoning of respondents No.2 to 4, in FIR No.104 dated 28.10.2016 under Sections 376(2)(n) & 506 of IPC, registered at Police Station Women Police, Bhiwani, was dismissed.

4. Learned State counsel refers to the reply by way of affidavit of Jagat Singh, HPS, Deputy Superintendent of Police, HQ, Bhiwani, filed on behalf of respondent No.1-State and submits that nothing survives in the present petition, as trial arising out of FIR (*supra*) has been concluded on 09.05.2018, which resulted into acquittal of the accused and as such, in view of ratio of law laid down by the Hon'ble Supreme Court in ***Sukhpal Singh Khaira Vs. State of Punjab, (2023) 1 SCC 289***, powers under Section 319 Cr.P.C. cannot be invoked, after conclusion of trial.

5. In view of the above, present revision petition is disposed of.

[HARPREET SINGH BRAR]
JUDGE

31.07.2024
vishnu

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No