

...Petitioner

V/S

DARSHAN KUMAR SHARMA @ DARSHAN SHARMA AND ANOTHER

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. R.K. Singla, Advocate
for the petitioner.

Mr. Rishabh Singla, AAG Punjab.

Mr. Kulwinder Singh, Advocate for respondent No. 1.

HARPREET SINGH BRAR J. (ORAL)

1. The petitioner has approached this Court for issuance of appropriate orders/directions to learned Additional Sessions Judge, District Mansa to decide the Criminal Complaint bearing SC No. 40 of 2023 instituted on 13.12.2017 (Annexure P-10) titled as **Jagdev Ram Versus Darshan Kumar Sharma** under Section 325, 323, 341 of Indian Penal Code, expeditiously.

2. Learned counsel for the petitioner *inter alia* contends that it is a case of version and cross-version. The petitioner is facing trial in FIR No. 104 dated 17.10.2017 registered under Sections 341 and 323 of Indian Penal Code at Police Station Kot Dharmu District Mansa, whereas the petitioner is complainant in the cross-version and the same was recorded by the Investigating Agency vide General Diary No. 032 dated 17.10.2017 under Section 323 of Indian Penal Code at Police Station Kot Dharmu District Mansa. Due to the inaction of the Investigating Agency, the petitioner has filed the criminal complaint No. COMI-265-2017 instituted on 13.12.2017 against respondent No.

1. Learned counsel for the petitioner relies upon the provisions contained in Section 210 of Cr.P.C. and submits that in order to avoid conflicting judgments

in version and cross-version cases, both the cases are required to be tried together and relies upon the judgment of Madhya Pradesh High Court in Crl. Revs. No. 731 and 730 of 2000 decided on 08.08.2005 titled as ***Munnalal and Others Vs. State of M.P.*** and Hon'ble Supreme Court's judgment in ***Sankaran Moitra Vs. Sadhna Das and Another*** 2006(2) R.C.R. (Criminal) 389.

3. Mr. Kulwinder Singh, Advocate has put in appearance on behalf of respondent No. 1 and files his power of attorney. Same is taken on record. Learned counsel submits that reliance placed upon the aforementioned judgments by learned counsel for the petitioner is not applicable in the facts and circumstances of the present case and the ratio of law laid down in ***Munnalal and Others (supra)*** and ***Sankaran Moitra (supra)*** do not support the arguments raised by him and he relies upon judgment of Hon'ble Apex Court passed in ***State of M.P. Vs. Mishrilal (Dead) and Ors. 2003(3) RCR (Criminal) 287*** and submits that the said judgment squarely applies to the case of version and cross-version.

4. Learned counsel for the both the sides are *ad idem* that this petition may be disposed of by directing the learned Additional Sessions Judge, Mansa to try both these cases of version and cross-version i.e. Annexures P-3 and P-10 respectively, one after the other.

5. In view of the joint stand taken by learned counsel for the parties and the fact that trial of both the cases are pending before the same Presiding Officer i.e. learned Additional Sessions Judge, Mansa, the present petition is disposed of in view of the judgment of Hon'ble Supreme Court in ***State of M.P. Vs. Mishrilal (Dead) and Ors. 2003(3) RCR (Criminal) 287***, in the following terms:

7. Judge must try both cases one after the other.

- (2) After recording evidence and hearing arguments Judge must reserve the judgment.
- (3) Thereafter the Judge should proceed to record evidence and hear arguments in second case.
- (4) The same Judge must dispose of the matters by two separate judgments- Cross cases be tried together by same court to avoid conflicting judgment over same incident.

21.02.2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No