
(2002) 04 P&H CK 0084

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. 10063-M of 1994

Hardeep Singh alias Deepa

APPELLANT

Vs

State of Haryana

RESPONDENT

Date of Decision : 04-04-2002

Acts Referred:

Citation : (2002) 2 CCC 200 : (2002) 3 RCR(Criminal) 244

Hon'ble Judges : H.S.Bedi, J

Advocate : Mr. P.S. Saini, Advocate. Mr. Sanjay Vashisth, DAG, Haryana.,
Advocates for appearing Parties

Judgement

H.S. Bedi, J. (Oral)

1. An FIR No. 154 dated 1.8.1986 under Sections 324/326/34 of the Indian Penal Code registered at Police Station, Jhansa was filed against the petitioners. The challan against them was submitted before the Magistrate in September, 1986. In the challan, the prosecution mentioned the names of nine witnesses and out of them, three, namely Dr. S.C. Sikka, Parkash Singh (complainant) and Shadi Lal were examined upto 1993. Several opportunities were granted by the trial Magistrate for the purpose of securing the presence of the remaining witnesses and last opportunity was granted to the prosecution to produce all the witnesses on 19.11.1993. Only one PW Surjit Singh had been served but he too did not turn up. The learned magistrate accordingly closed the evidence vide order (Annexure P1) of even date. The complainant thereafter filed a revision petition before the Sessions Judge, Kurukshetra, who vide his order dated 16.4.1994 (Annexure P2) set aside the order of the Magistrate and directed that further opportunity be given to the prosecution to produce its witnesses. The petitioner thereafter approached this Court by way of the present petition, which came up for hearing on 6.7.1994 on which date the proceedings before the trial Court were directed to be stayed. It is the conceded position that the said stay order continues to operate as of today.

2. A reply has been filed by the respondent in which it has been pleaded that the

order of the Magistrate was not justified as adequate opportunities had not been given to the prosecution to produce the witnesses.

3. Various issues had been raised by the learned counsel for the petitioners the first and foremost being that the order (Annexure P1) being an interlocutory order was not revisable. This plea is without merit. The order (Annexure P1) could by no stretch of imagination be said to be an interlocutory order as it had finally decided the matter leading to the closure of the evidence of the prosecution. It, however, appears to be correct that to continue with the present proceedings after a lapse of so many years would be unjustified. As already mentioned above, the F.I.R. in this case was registered on 1.8.1986 and the trial which started in October, 1992 could not be completed upto 19.11.1993 when the order of the Magistrate was passed. The proceedings in this case have remain stayed for almost eight years pursuant to this Court's order. The petitioners have been facing harassment of a protracted trial for almost sixteen years now.

4. This petition is accordingly allowed and the F.I.R. 154 dated 1.8.1996 registered at Police Station, Jhansa and all other consequential proceedings are quashed.