

(1987) 03 P&H CK 0086

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. 7200-M of 1986

Parbhu Dayal

APPELLANT

Vs

State of Haryana

RESPONDENT

Date of Decision : 02-03-1987

Acts Referred:

Citation : (1987) 1 AICLR 485 : (1987) 1 RCR(Criminal) 334

Hon'ble Judges : Pritpal Singh, J

Advocate : R.P. Dahiya, H.S. Gill, Advocates for appearing Parties

Judgement

Pritpal Singh, J.

1. These two criminal Miscellaneous Petitions (Cr.M. No. 7200M and 7202M of 1986) are being disposed of together as the matter involved therein is identical.

2. Security proceedings under Sections 107 and 151, Code of Criminal Procedure, were initiated in there two cases against the petitioners by the Executive Magistrate, Karnal, on the complaint filed by the Police Station, Sadar Karnal. In Crl. Misc. No. 7200M of 1986, the proceedings were initiated on April 14, 1986, whereas in Crl. Misc. No. 7202M of 1986 on April 12, 1986. The proceedings continued for more than six months and eventually similar orders were passed in both the cases by the Executive Magistrate, Karnal, on October 20, 1986 (Annexure P.1 in both the cases) in the following terms :

"The respondents are present. The file has been put up. The proceedings of the case are ordered to be continued even after the expiry of six months. For prosecution evidence case is adjourned to 14,11,1986. Last opportunity is given for recording of prosecution evidence.

Sd/

Executive Magistrate,

Karnal.

These orders dated October 20, 1986 are sought to be quashed in these petitions under Section 482 of the Code of Criminal Procedure (for short called 'the Code').

3. Section 116(6) of the Code provides that an inquiry under Chapter VIII shall be completed within a period of six months from the date of its commencement. It is further prescribed that if such an inquiry is not so completed then the proceedings shall stand terminated on the completion of this period unless, for special reasons to be recorded in writing, the Magistrate otherwise directs. In the present two cases the period of six months expired before the impugned orders were passed by the Executive Magistrate. It was, therefore, incumbent upon the Magistrate to record special reasons for taking the proceedings beyond six months. However, a bare reading of the impugned orders will indicate that no special reasons have been recorded by the learned Magistrate. Thus, there has been a clear violation of Section 116(6) of the Code. As the inquiries in these two cases had not been completed within the statutory period of six months, the proceedings cannot be allowed to continue. I am supported in this view by an earlier judgment of this Court in *Balbir Singh and others v. State of Haryana*, 1975 C.L.R. 571.

4. Consequently, the proceedings in both the cases are hereby quashed.

JUDGMENT accordingly.