
(1987) 12 P&H CK 0020
In the Punjab And Haryana At Chandigarh
Case No : Criminal Revision 979 of 1987

Raghbir Singh and anr.

APPELLANT

Vs

State of Haryana

RESPONDENT

Date of Decision : 09-12-1987

Acts Referred:

Citation : (1987) 12 P&H CK 0020

Hon'ble Judges : I.S.Tiwana, J

Advocate : Jaspreet Singh, M. P. Gupta, Advocates for appearing Parties

Judgement

I.S. Tiwana, J. (Oral)

1. The petitioner impugns the order of Additional Sessions Judge, Karnal, dated 10th July, 1987, whereby he has set aside the order of the trial magistrate declining to recall Dhanpat PW2 for purposes of crossexamination. The reason that weighed with the learned Additional Sessions Judge for setting aside that order of the Magistrate dated 20th February, 1987, was that learned Asstt. Public Protector who was conducting the case did not handle it properly on account of his inexperience. The learned counsel for the petitioner urges that beside this there being no ground for interference with the order of the Magistrate by the Addl. Sessions Judge, the petition before the Addl. Sessions Judge itself was not competent in view of the provisions of section 397 (2) of the Code of Criminal Procedure. This section lays down that the powers of revision conferred by subsection (1) of the said section shall not be exercised in relation to any interlocutory order passed in any enquiry, trial or other proceeding. It has been ruled by this court in Chander Bhan v. State of Haryana 1975 C.L.R. 253 that to allow or not to allow additional evidence u/s 311 of the Code of Criminal Procedure by the trial court is nothing but an interlocutory order. It is, thus, patent that no revision petition was competent before the Additional Sessions Judge against the order of the trial Magistrate dated 20th February, 1987. Following the reasoning adopted in Chander Bhan's case (supra), I allow this petition and set aside the impugned order of the Additional Sessions Judge.