



**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRR-2459-2008(O&M)

Date of Decision:-16.01.2025

Parkash Chand.

.....Petitioner.

Versus

Sanjay Bansal & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Ms. Vaishali Singla, Advocate with
Mr. Aakash Singla, Advocate
Legal Aid Counsel for the Petitioner.

Mr. Aditya Sanghi, Advocate for the respondent no.4.

JASJIT SINGH BEDI, J.(ORAL)

CRM-9158-2010

The prayer in the application under Section 482 Cr.PC is for restoration of the main revision petition.

Heard.

For the reasons stated in the application, the same is allowed and the main revision petition is ordered to be restored to its original number is taken up on board today itself for hearing.

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The present revision petition has been preferred by the complainant/petitioner against the order dated 24.10.2018 passed by the Chief Judicial Magistrate, Rewari thereby discharging the accused/respondents.

2. The brief facts of the case are that on 7.8.2000 the



accused/respondents, the owners of a property are alleged to have forcibly dispossessed the complainant/petitioner.

3. The complainant/petitioner filed a complaint with the police but as no action was taken, he was constrained to file a criminal complaint and got recorded his preliminary evidence. Based on the said preliminary evidence the accused came to be summoned vide order dated 02.04.2002.

4. As no pre-charge evidence was led for a period of more than 04 years, the complaint was dismissed and all the accused/respondents were discharged vide order dated 24.10.2008.

5. It is the aforementioned order which is under challenge in the present revision petition.

6. The Counsel for the complainant/petitioner contends that on the day on which the impugned order was passed an adjournment had been sought as the complainant/petitioner was awaiting an enquiry to be conducted in the matter with respect to a missing application dated 7.8.2000. However, the impugned order had been passed though adjournment could have been granted. He, therefore, contends that the said order was liable to be set aside and the case be remanded back for a decision on merits.

7. The Counsel for the accused/respondents on the other hand contends that the occurrence is stated to have taken place on 7.8.2000. The summoning order was passed on 02.04.2002. Despite 06 years having elapsed no pre-charge evidence was brought on record because of which the impugned order was passed. Even thereafter, a number of years have gone by and as such no useful purpose would be served by setting aside the impugned order and remanding back the matter for fresh adjudication.

8. I have heard counsel for the parties.

9. Admittedly, as per the allegations the occurrence took place on



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7.8.2000 and the complaint was filed and summoning order was passed on 02.04.2002. Despite 06 years having elapsed no pre-charge evidence was brought on record and apparently, the complainant/petitioner was seeking adjournment on one pretext or the other. It was in that situation the impugned order was passed.

10. The Trial Court was completely justified in adopting the course that it did and therefore, I find no infirmity in the order sought to be challenged and hence the present revision petition stands dismissed.

(JASJIT SINGH BEDI)
JUDGE

January 16, 2025

Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>