

(2011) 01 P&H CK 0393

High Court Of Punjab And Haryana At Chandigarh

Case No: CRR No. 128 of 2011 (O and M)

Sandeep

APPELLANT

Vs

State of Haryana

RESPONDENT

Date of Decision: Jan. 19, 2011

Citation: (2011) 2 RCR(Criminal) 89(2)

Hon'ble Judges: Alok Singh, J

Bench: Single Bench

Advocate: Manjeet Singh, for the Appellant;

Final Decision: Dismissed

Judgement

Alok Singh, J.

Brief facts of the present case are that police after investigation has filed closure report stating therein that no evidence is found against the accused-revisionist for any offence said to be committed by them in the FIR. The Magistrate on the report of the police, without hearing the complainant, has passed the order dated 4.11.2009, virtually accepting the closure report, directing the discharge of the accused.

2. Complainant has challenged the order of the Magistrate and the learned Additional Sessions Judge vide impugned order dated 15.12.2010 set aside the order of the Magistrate on the technical grounds that before accepting the closure report and discharge of the accused, complainant was not heard, hence, the Magistrate shall pass a fresh order after hearing the complainant.

3. Learned Counsel for the Petitioner has argued that since the complainant was a government official and was being represented by the public prosecutor, hence there was no need to summon him on the closure report/discharge report.

4. Be that as it may, the fact remains that the complainant was not heard before accepting the closure/discharge report. I do not find any illegality in the impugned Judgment.

Dismissed.