

(2010) 10 P&H CK 0343

High Court Of Punjab And Haryana At Chandigarh

Case No: Criminal Miscellaneous No. M-987 of 2008

Jaswinder Kumar

APPELLANT

Vs

Railway Police Force Post and
Others

RESPONDENT

Date of Decision: Oct. 28, 2010

Acts Referred:

- Criminal Procedure Code, 1973 (CrPC) - Section 482
- Railways Act, 1989 - Section 154, 179

Hon'ble Judges: Kanwaljit Singh Ahluwalia, J

Bench: Single Bench

Judgement

Kanwaljit Singh Ahluwalia, J.

Present petition has been filed u/s 482 Code of Criminal Procedure praying that the Crime Case No. 219 dated 5.6.2006 registered at Railway Police Force Chownkey, Mukerian, District Hoshiarpur under Sections 154 and 179 of the Railway Act, 1989 be quashed.

2. This Court, on October 13, 2010 passed the following order:

Counsel for the State, on instructions from SI Thandi Ram, has stated that ten witnesses have been cited and out of them six have been examined and the case is now fixed for 21st October, 2010 for recording evidence of three witnesses. Counsel for the State has stated that the trial was continuing, as further proceedings were only stayed on September 23, 2010.

Counsel for the Petitioner is not available.

In the interest of justice, adjourned to 27th October, 2010.

3. Since, six witnesses out of the total ten have been examined, this Court cannot come to the rescue of the Petitioner, as this Court has always held a view that once the trial has proceeded, the same has to culminate into acquittal or conviction.

4. Therefore, the present petition is hereby disposed of with a liberty to the Petitioner to raise all arguments available to him under law, before the trial Court at an appropriate stage. Considering the fact that the Crime Case was registered in the month of June, 2006 and a period of more than four years has elapsed, personal appearance of the Petitioner before the trial Court is exempted, subject to his filing an undertaking that he shall cause his appearance as and when required by the trial Court. He shall also undertake that the evidence, if any, recorded in his absence but in the presence of his counsel, shall be binding upon him. The trial Court may incorporate any other condition in the undertaking to be furnished by the accused.