

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

SANJIV KUMAR SHARMA
2015.02.19 11:32
I attest to the accuracy and
authenticity of this document

CRM No. M-31078 of 2013 (O/M)
Date of decision : 16.2.2015

Rajinder Sharma

..... Petitioner

Versus

Thompson Press Employees Union

..... Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Adarsh Jain, Advocate, for the petitioner.

None for respondent.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH, J. (ORAL)

Learned counsel for the petitioner contends that in the criminal complaint case bearing No. 651/21.10.2004/6.6.2007 titled Thomson Press Employees Union Versus Rajender Sharma etc., filed by the complainant/respondent herein, the present petitioner was discharged on the statement dated 1.12.2012 of Stalan Singh, authorized representative/working President Thompson Press Employees Union. However, in the revision, the learned Additional Sessions Judge, Faridabad, without issuing notice to the accused, the impugned order dated 1.12.2012 (Annexure-P-2), passed by the learned Additional Chief Judicial Magistrate, Faridbad, was set aside, vide order dated 5.8.2013 (Annexure-P-5).

Learned counsel for the petitioner states that as per proviso to Section 398 Cr.P.C., notice to the accused/petitioner herein was necessary.

In view of the fact that the impugned order is contrary to the mandate of Section 398 Cr.P.C., the impugned order dated 5.8.2013 (Annexure-P-5), passed by the learned Additional Sessions Judge, Faridabad, is set aside and the case is remanded back to the Court of learned Additional Sessions Judge, Faridabad, for deciding the revision afresh on merits after issuing notice to the accused/petitioner herein also.

Petition is accordingly allowed.

(KULDIP SINGH)
JUDGE

16.2.2015
sjks