

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-36039 of 2015

Date of Decision: October,28, 2015

Paramjit Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Chandan Deep Singh, Advocate
for the petitioner.

FATEH DEEP SINGH, J.

Records of the trial Court have been received.

Heard.

Learned counsel for the petitioner has made statement withdrawing the relief being sought in respect of Annexure P/1.

Allowed to do so.

Learned counsel for the petitioner contends that learned 1st Appellate Court has not passed any order on the application preferred under Section 391 Cr.P.C. by way of Annexure P/2 and, thus, there is circumvention of law.

Notice of motion.

On the asking of Court, Mr. C.S. Brar. DAG, Punjab accepts notice and has readily conceded that after filing of the application the same has not been processed by the learned 1st Appellate Court.

In view thereof, the present petition is allowed in the light of the circumvention of law in not taking cognizance on the application which apparently is more because of clerical error and not bears out of any malafide.

Learned 1st Appellate Court is directed to dispose off the application under Section 391 Cr.P.C. prior to deciding of the appeal on merits.

Parties are directed to appear before the Court below through their counsel.

(FATEH DEEP SINGH)
JUDGE

October 28, 2015
aarti