

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

**Crl. Revision No. 304 of 2015 (O&M)
Date of decision : 24.07.2015**

Sumer Chand & Ors.

..... Petitioners

versus

State of Haryana & Anr.

... Respondents

CORAM:- HON'BLE MRS. JUSTICE ANITA CHAUDHRY

1. Whether Reporters of local papers may be allowed to see the judgment? Yes/No
2. To be referred to the Reporters or not? Yes/No
3. Whether the judgment should be reported in the digest? Yes/No

**Present:- Mr. O.P. Gupta, Advocate
for the petitioners.**

ANITA CHAUDHRY, J.

The petitioners were held guilty in FIR No.148 dated 23.12.2005, registered at Police Station Shahzadpur, vide judgment dated 09.09.2014 for having committed offence under Sections 323 read with Section 34 IPC, passed by the Sub Divisional Judicial Magistrate, Naraingarh. They were released on probation of good conduct for six months subject to certain condition imposed by the Court. Dis-satisfied with the same, the petitioners filed an appeal before the Court of Sessions.

The appeal came for hearing for the first time on 13.10.2014, on which date the appellate Court directed the petitioners to furnish bonds. Time was sought for compliance of order and the matter was adjourned to 14.10.2014. On that date neither the counsel nor the petitioners had turned up before the Court, resulting in dismissal of their appeal.

The petitioners have impugned the order dated 14.10.2014 through the instant revision petition.

Learned counsel for the petitioners urged that the condition imposed by the appellate Court regarding furnishing of bonds was unjust as there was no requirement for their appearance as they were released on probation. He, however, urged that the petitioners were ready to furnish bonds in terms of directions of the appellate Court and their appeal may be restored and the Court be directed to decide it on merits.

Needless to say that the purpose of imposing the condition of furnishing the bonds is to secure the presence of the person. They were already released on probation by the trial Court. The petitioners are said to have already furnished bonds as directed by the trial Court. The appellate Court has adopted a pedantic and hyper technical approach in dismissing the appeal at the threshold. The lis is required to be decided on merits and not on technicalities.

In view of the above, the instant revision petition is allowed and impugned order dated 14.10.2014 is set aside. The appellate Court is directed to restore the appeal of the petitioners and proceed with the same in accordance with law.

The petitioners through their counsel are directed to appear before the Appellate Court on 03.08.2015.

July 24, 2015
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(ANITA CHAUDHRY)
JUDGE