

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRR No. 3242 of 2014(O&M)

Date of decision: 06.02.2015

Vijay Kumar

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr. Amit Dhawan, Advocate for the petitioner
Mr.Nikhil K. Chopra, DAG Punjab

1. *Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
2. *To be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

Challenged in the present revision petition is the order dated 4.8.2014, passed by the learned Additional Sessions Judge, Pathankot, vide which the appeal filed by the revisionist Vijay Kumar was dismissed.

Accused had absented himself during hearing of appeal.

Learned counsel for the petitioner has filed a copy of the appeal filed by three other co-accused, namely, Suresh Kumar Kala, Bishan Dass and Rakesh Kumar alias Bittu, in which, the present revisionist has been arrayed as respondent No.2. A combined reading of the present judgment and the copy of the order produced today shows that learned Sub Divisional Judicial Magistrate, Pathankot, vide judgment dated 1.2.2012 convicted four persons,

namely, Vijay Kumar, Suresh Kumar Kala, Bishan Dass and Rakesh Kumar alias Bittu for offence under Section 420 IPC. It further comes out that the present revisionist Vijay Kumar filed a separate appeal, whereas other three accused filed a separate appeal. Appeal of other three co-accused is still pending. When there is one judgment of the trial Court, interest of justice requires that appeal of all the accused -appellants should be heard and decided together. There cannot be two sets of judgments against the same impugned judgment of learned Sub Divisional Judicial Magistrate, Pathankot.

In such circumstances, this revision petition is allowed and the impugned judgment dated 4.8.2014 passed by the learned Additional Sessions Judge, Pathankot is set aside and the case is remanded back to the learned Additional Sessions Judge, Pathankot with a direction that the appeal of the present revisionist Vijay Kumar be heard alongwith the appeal of other co-accused and same be disposed of on merits after hearing both the parties by passing a single judgment.

The revisionist is in custody. He shall be entitled to apply for bail before the learned Additional Sessions Judge, Pathankot. The bail application if filed, shall be disposed of in accordance with the law.

The Registry is directed to fax a copy of this order to learned Additional Sessions Judge, Pathankot forthwith.

06.02.2015
gk

(Kuldip Singh)
Judge