

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

**CRM-A No.609-MA of 2015 (O&M)
Date of Decision: May 10, 2016**

Harbans Kaur (deceased) through LRs Petitioner

vs.

Narinder Singh and others Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: None for the applicant.

Mr. P.S. Dhaliwal, Advocate for the respondents.

- 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)

CRM-11271-2015

There is delay of 1065 days in filing the present application for grant of leave to appeal.

Reply to the application on behalf of the respondents has been filed in the Court today and the same is taken on record.

It comes out that the applicant has already filed revision petition before the Sessions Court, which was dismissed on the ground that the same was not maintainable. Thereafter, the present application under Section 378 (4) Cr.P.C. for grant of leave to appeal was filed before this Court.

Therefore, delay of 1065 days in filing the application for grant of leave to appeal is condoned, subject to all just exception.

Application stands disposed of.

Main Case

It comes out that the complaint of the applicant was dismissed in default on 15.02.2012 by the learned Addl. Chief Judicial Magistrate, Barnala, and the accused were discharged. Admittedly, at that time, charges were not framed. Therefore, that order is revisable. Therefore, the present application is ordered to be treated as revision and accordingly numbered. It being so, there was no need for the present applicant-petitioner to file the application for grant of leave to appeal.

In the present case, the complainant has died. His legal heirs have filed the application for restoration of the complaint.

Keeping in view the fact that the complainant had died after the death of his mother, it will take time to the family to recover from the shock. Therefore, the impugned order is set aside and the complaint is ordered to be restored at its original number and decided on merits.

Let both the parties appear before the trial court on 11.07.2016.

The present revision is, accordingly, allowed.

May 10, 2016
sarita

(KULDIP SINGH)
JUDGE