

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

Crl. Misc. No. M-16322 of 2016

Date of decision : 11.08.2016

Jaswinder Kaur @ Jassi

... Petitioner

versus

State of Punjab

... Respondent

CORAM:- HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Vishal Ghai, Advocate
for the petitioner.

ANITA CHAUDHRY, J.(ORAL)

Through the instant petition, a challenge has been laid to the order dated 04.01.2014 passed by the Judicial Magistrate whereby the petitioner has been summoned as an additional accused under Section 319 Cr.P.C.. The petitioner has also questioned the legality of order dated 05.06.2015 vide which her revision was dismissed on account of non-compliance of the orders.

It is apparent that the revision against the order dated 04.01.2014 was preferred by the petitioner with delay. The revisional Court had condoned the delay subject to the petitioner's depositing Rs.1000/- with the Legal aid. The order was not complied with despite three opportunities. Consequently the revision petition was dismissed for non-payment.

Learned counsel has urged that one opportunity be granted to the petitioner to deposit the costs and his revision petition may be ordered to be heard on merits.

The petitioner is the married sister-in-law of the complainant. The dispute between the parties is required to be adjudicated on merits and not on technicalities.

In view of the above order dated 05.06.2015 passed by the revisional Court is set aside subject to the petitioner's depositing a sum of Rs.5000/- instead of Rs.1000/- with the concerned District Legal Services Authority. It is made clear that no further opportunity shall be granted for depositing the costs. The petitioner shall appear before the revisional Court on 29.08.2016. On deposit of amount on or before 29.08.2016, the revisional Court shall restore the revision petition of the petitioner to its original number and decide the same in accordance with law.

Disposed of.

August 11, 2016
M. Negi

(ANITA CHAUDHRY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No