

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-27704-2013 (O&M)

Date of Decision: February 10, 2016

Vinod Kumar and ors.

...Petitioners

Versus

State of Haryana and anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Aishwarya Bajaj, Advocate, for
Mr. Saurabh Bajaj, Advocate,
for the petitioners.

Mr. Pawan Gaur, DAG, Haryana,
for respondent No. 1.

Mr. Ravinder Malik, Advocate,
for respondent No. 2.

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1. *Whether Reporters of local papers 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?*

NARESH KUMAR SANGHI, J (Oral)

Challenge in this petition is to the order dated 06.06.2013 (Annexure P-4), passed by learned Additional Sessions Judge, Karnal, whereby the revision petition filed by respondent-complainant, Chander Lal @ Chander Parkash, was

accepted without affording an opportunity of hearing to the petitioners-accused.

Notice of motion was issued and in pursuance thereof, Mr. Ravinder Malik, Advocate, has appeared for respondent No. 2.

Learned counsel for the parties are in unison that in view of **Manharibhai Muljibhai Kakadia and another v. Shaileshbhai Mohanbhai Patel and others**, 2012 (4) R.C.R. (Criminal) 689, learned Revisional Court could not set aside the order passed by learned Area Judicial Magistrate, without affording an opportunity of hearing to the petitioners-accused.

They are further in unison that in view of the said infirmity, the matter be remanded to learned Revisional Court/Additional Sessions Judge, Karnal, for deciding criminal revision No. 64 of 2012, after affording an opportunity of hearing to the petitioners.

As a sequel thereto, the present petition is allowed, the order dated 06.06.2013 (Annexure P-4), is set aside and the matter is remitted to learned Additional Sessions Judge, Karnal, for deciding criminal revision No. 64 of 2012 afresh, after affording an opportunity to all the respondents in the original complaint.

The parties to the *lis* shall appear before learned Revisional Court on 04.03.2016. Copy of the order be sent to all concerned immediately.

February 10, 2016

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(NARESH KUMAR SANGHI)
JUDGE