

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

Crl. Revn. No. 4060 of 2012 (O&M)

DATE OF DECISION : 05.09.2016

Harjinder Pal Singh

.... PETITIONER

Versus

State of Punjab

..... RESPONDENT

CORAM :- HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: None for the petitioner.

Mr. A.S. Klar, AAG, Punjab.

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RAMENDRA JAIN, J. (Oral)

1. This revision petition was preferred by the petitioner challenging the judgment dated 03.11.2012 passed by the learned Appellate Court dismissing his appeal against the judgment and order dated 01.09.2011 passed by learned Judicial Magistrate Ist Class, Zira, whereby the petitioner was convicted under Sections 279 and 304-A IPC and sentenced to undergo RI for six months and to pay a fine of ₹ 500/-, in default to undergo RI for seven days under Section 279 IPC; and to undergo RI for two years and to pay a fine of ₹ 500/-, in default to undergo RI for seven days under Section 304-A IPC. Both the sentences were ordered to run concurrently.

2. On 09.04.2013, while admitting this revision petition for regular hearing, the petitioner was ordered to be released on bail during the pendency of the petition.

3. During the pendency of this revision petition, the petitioner

preferred an application (Crl. Misc. No. 38763 of 2013) for staying his conviction, notice of which was issued to Advocate General, Punjab. Thereafter, till date, the application came on the Board for 14 times. Out of those 14 dates, none appeared on behalf of the petitioner on 7 dates. Out of the remaining 7 dates, on 6 occasions, the application along with the main revision petition was adjourned on the request of learned counsel for the applicant-petitioner. On 26.11.2015, the case was adjourned due to the reason that no court time was left. On 14.03.2016, when none appeared on behalf of the petitioner, it was ordered that learned counsel for the petitioner be informed about the date fixed, i.e. 29.04.2016, on which date, notice issued to learned counsel for the petitioner was received back with the report that this case does not pertain to their office. Hence, notice was ordered to be issued to the petitioner for 28.07.2016, on which date notice was received back with the report that the petitioner was not residing at the given address. Accordingly, fresh notice was ordered to be issued to the applicant-petitioner as well as to both the counsel, who earlier appeared on his behalf, i.e. Shri Veneet Sharma and Shri Ashish Aggarwal, Advocates, for today.

4. As per the office report, notice issued to Mr. Veneet Sharma, Advocate, has been received back with the report that the party has taken the brief from him, whereas Mr. Ashish Aggarwal, Advocate, has not appeared, despite having been served for today.

5. The above factual position shows that the applicant-petitioner is not interested in pursuing his application as well as the main revision petition. Thus, finding no other option, the application (Crl. Misc. No.

38763 of 2013) and the revision petition are dismissed for want of prosecution.

6. The petitioner is on bail in this case. His bail/surety bonds are cancelled. Consequently, the concerned Chief Judicial Magistrate shall proceed against him in accordance with law, for re-arresting him to undergo remaining period of his sentence.

September 05, 2016
ndj

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No