

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRR No.2252 of 2014 (O&M)

Date of decision: 11.01.2016

Chander Pal and others

.....Petitioners

versus

State of Haryana and another

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Bikram Chaudhary, Advocate for the petitioners
Mr.Yashwinder Singh, DAG Haryana

- 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)

Present revision is against the order dated 26.5.2014, passed by the learned Additional Sessions Judge, Faridabad, vide which, in a State case pertaining to FIR No.1012 dated 13.12.2013 registered under Sections 363, 366A, 368, 376D and Section 4 of the Protection of Children from Sexual Offences Act, 2012 PS City Ballabgarh, the present petitioners, namely, Chander Pal, Ram Phal, Tara Devi and Dev Raj @ Chunmun have been summoned as additional accused on an application filed under Section 319 Cr.P.C. to stand trial with the co-accused.

I have heard learned counsel for the parties and have also carefully gone through the file.

It comes out that during the pendency of the present petition, a development has taken place. Learned counsel for the petitioners has placed on file a copy of the judgment dated 4.3.2015 passed by the learned Additional Sessions Judge, Faridabad. From the perusal of the aforesaid judgment, it comes out that the lower Court on account of stay granted to the present petitioners by this Court vide order dated 29.8.2014 proceeded against the remaining accused. As a result of the trial and the prosecutrix's turning hostile, the remaining accused have been acquitted. The present petitioners were to stand trial with the said co-accused. Since the said co-accused persons are no more accused and have been acquitted on account of prosecutrix's turning hostile, therefore, the present petitioners cannot be ordered to stand trial with the said accused who have since been acquitted. Secondly, since the main accused have been acquitted, the proceedings against the present petitioners will be nothing but misuse of process of the Court. Thirdly, it is found that the order is sketchy. It is merely stated that after going through the documents available on file, the application is allowed. There is no discussion either as to whether any role was attributed to the present petitioners or whether any ground is made out for summoning the present petitioners as additional accused to stand trial with the co-accused. As such, the present revision is allowed. The impugned order is set aside and the present petitioners stand discharged.

11.01.2016
gk

(Kuldip Singh)
Judge