

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

**CRR No.4600 of 2015 (O&M)
Date of Decision: 11.01.2016.**

Gurbachan Singh

...Petitioner

Versus

State of Punjab & Another

...Respondents

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Veneet Sharma, Advocate,
for the petitioner.

Mr. Rajpreet Singh Sidhu, AAG, Punjab.

None for respondent No.2-complainant.

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?*

JASPAL SINGH, J. (ORAL)

CRM No.38856 of 2015

Application is allowed as prayed for.

Main Case

The instant revision petition has been preferred by the petitioner challenging order dated September 14, 2015 passed by the learned Lower Appellate Court, Amritsar, whereby an appeal preferred by him under Section 374 of Cr.P.C. challenging his conviction, has been dismissed in

default.

Notice of motion was given to the respondent No.2-complainant. Though, he has been served through his brother-in-law, but he failed to put in appearance.

It is well settled proposition of law that the appeal preferred by complainant cannot be dismissed for want of prosecution. Rather, it was required to be dealt with and disposed of on merits either by taking the assistance of Legal Aid Counsel or by appraisal of the evidence available on record. Moreover, the petitioner is ready to get the matter compromised/settled with complainant-respondent No.2 and for showing his bona-fide in this regard, he has got prepared a draft of Rs.70,000/- in favour of respondent No.2-complainant.

Taking into consideration the aforesaid aspects and without expressing any opinion on the merits of the case, the instant revision petition is allowed and order dated 14.09.2015 is set aside.

The learned Lower Appellate Court is directed to revive/restore the appeal at its original number and decide the same in accordance with law after due notice to the parties.

January 11, 2016

Ankur

**(JASPAL SINGH)
JUDGE**