

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

**Criminal Revision No. 4774 of 2015
Date of decision : 26.02.2016**

Balwinder Kaur

..... Petitioner

Vs

State of Punjab

..... Respondent

Coram : Hon'ble Mr. Justice Kuldeep Singh

Present: Mr. J.S. Mundi, Advocate.
for the petitioner.

Mr. Lavinder Sofat, AAG, Punjab.

Mr. G.S. Sandhu, Advocate,
for the complainant.

Kuldeep Singh, J. (oral)

Learned Addl. Sessions Judge, Sangrur vide impugned judgment dated 16.9.2015 while hearing appeal against the judgment of conviction and order of sentence dated 17.4.2014 passed by the Sub Divisional Judicial Magistrate, Malerkotla, remanded the case to the trial Court with a direction that opportunity should be given to the prosecution to examine PW5 and PW6, namely Darshan Singh and Lal Singh, and to analyse the evidence afresh and for afresh decision in accordance with law. It was also observed that the said complainant Darshan Singh and Lal Singh were not examined on oath, therefore, their statements could not be read in evidence. Copies of their statements have been produced before this Court.

It is not disputed that Darshan Singh and Lal Singh were in fact examined before the trial Court and this observation of learned Addl. Sessions Judge, Sangrur that their statements could not be read in evidence as they were not examined on oath is contrary to the record.

In view of this, the impugned judgment dated 16.9.2015 passed by learned Addl. Sessions Judge, Sangrur is set aside and the learned Addl. Sessions Judge, Sangrur is directed to decide the appeal after hearing both the parties. Both the parties are directed to appear before learned Addl. Sessions Judge, Sangrur on 15.3.2016.

Criminal revision is accordingly disposed of.

(KULDIP SINGH)
JUDGE

26.02.2016

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