

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

**CRM NO. M-18821 OF 2017
DECIDED ON : 24.05.2017**

Kamlesh

...Petitioner

versus

State of Haryana and others

...Respondents

CORAM : HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present : Mr. S. S. Sahu, Advocate,
for the petitioner.

AMOL RATTAN SINGH, J. (ORAL)

By this petition, the petitioner has made a prayer that the revision petition pending before the learned Additional Sessions Judge, Fatehabad, against the order of the learned Judicial Magistrate Ist Class, Tohana, dated 14.03.2016, be decided, as without a stay in favour of the petitioner, the trial before the learned Judicial Magistrate Ist Class, is continuing.

Vide the impugned order passed by the revisional Court i.e the learned Additional Sessions Judge-I, Fatehabad, dated 17.10.2016, it has been stated that the application filed by the revisionist/complainant is one seeking early hearing of the revision petition or for stay of the proceedings before the trial Court.

Thereafter, the order goes on to state that the revision petition being a new one, it cannot be taken up for hearing, as it is not an "action plan case" and that the date fixed in the revision petition was not too far off at that stage, i.e on 17.10.2016, with the next date being 31.01.2017.

On that ground, the application was dismissed.

This petition is disposed of with a direction to the Court before which the revision petition is pending, that upon the petitioner making an application for staying the proceedings before the trial Court, the said application itself would be decided on merits at the very earliest, so as to ensure that the interest of the parties before the trial Court is not prejudiced one way or the other. This would be provided the petitioner files an application in the revision petition pending before the learned Additional Sessions Judge, Fatehabad, by 31.05.2017. The trial Court would also adjourn the matter to a date beyond 31.05.2017.

It is made clear that if no application is filed by the petitioner before the revisional Court by 31.05.2017, this order will be deemed to have not been passed.

Upon the petitioner filing the application, thereafter, any stay beyond that given by this court, will be subject to the orders to be passed by the revisional Court itself, that is to say that the trial Court would stay its hands further in the trial pending before it, only on the next date of hearing, i.e 31.05.2017, subject to further orders to be passed by the

revisional Court in the application seeking a stay.

(AMOL RATTAN SINGH)
JUDGE

MAY 24, 2017
Shalini/Poonam-II

Whether speaking/reasoned :	YES/NO
Whether reasoned :	YES/NO