

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-20755 of 2017

Date of Decision: 12.07.2017

Naresh Kumar @ Sethi and another

....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. Veneet Sharma, Advocate, for the petitioners.

RAMENDRA JAIN, J. (ORAL)

In the instant petition under Section 482 Cr.P.C. challenge has been laid to order dated 12.04.2017 (Annexure P-3) passed by First Appellate Court, directing the trial Court to re-hear both the sides on the point of charge and to pass fresh speaking order.

Learned counsel for the petitioners contends that the petitioners were not summoned under Section 326 IPC, in that eventuality, First Appellate Court was not empowered to direct the trial Court to re-consider the charges after hearing both the sides.

After going through the impugned order, I do not find any illegality or perversity in the same, because the First Appellate Court has not directed the trial Court to frame charge under Section 326 IPC, rather has simply directed it to re-hear the parties on the point of charge and then to pass a speaking order afresh. However, the point raised before this Court can very well be argued by the petitioners before the trial Court at the time of re-hearing on the point of charge.

Accordingly, the petition being meritless is hereby dismissed.

July 12, 2017

R.S.

(RAMENDRA JAIN)

JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No