

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

CRM No.M-4005 of 2017 (O&M)
Date of Decision: February 16, 2017

Satyawan

...Petitioner

VERSUS

Parhlad Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Jangjit Singh Dahiya, Advocate
for the petitioner.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. for quashing of order dated 02.09.2016 passed by learned Sessions Judge, Hisar, vide which the application for remanding the appeal to the trial Court after setting aside the judgment dated 27.01.2016, for deciding the cross case simultaneously by the same Court on the same day, was dismissed

I have heard learned counsel for the petitioner and have gone through the record.

From the record, I find that two FIRs have been registered i.e. No.224 dated 30.05.2010 of this case and another FIR of the same date is No.222. Learned counsel for the petitioner argued that both these cases were clubbed by the Court below but one of the case was separated and decided by the Court and second one is still pending before the trial court. During the appeal, present petitioner filed an application for remanding the case back by setting aside the judgment and to give the direction to the trial

Court for deciding both the cases together, which application was dismissed

by learned Sessions Judge, Hisar, vide order dated 02.09.2016. Aggrieved from that order, present petition has been filed.

I have gone through the impugned order passed by learned Sessions Judge, Hisar, which is correct and as per law. I find that no order has been placed on the record showing that both the cases are version and cross-version of the same occurrence. Secondly, there is no order on the record to show that these have been clubbed together. No application of any type was filed before the trial Court to club the cases or to decide both the cases on the same date. Even it is written in the order that at the time of deciding the case, neither of the party raised any objection that this case be decided along with another FIR bearing No.222 dated 30.05.2010 registered with the same police station.

Learned Sessions Judge, Hisar, also held that both the FIRs were registered qua two occurrences and otherwise also, the judgment on this ground, cannot be set aside and the matter cannot be remanded back as no prejudice has been caused to the petitioner while passing the judgment. Learned Sessions Judge, Hisar has also discussed the provisions of Section 465 Cr.P.C. in its order dated 02.09.2016 in detail and also discussed the law laid by the Hon'ble Supreme Court and after going through the record, has dismissed the application correctly and as per law.

Therefore, finding no merit in the present petition, the same is dismissed.

February 16, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No