

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

**CRM No.M-4363 of 2017 (O&M)
Date of Decision: 09.02.2017**

Jaswinder Saroay

... Petitioner

Versus

Vicky Saroay

... Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Harsh Chopra, Advocate for the petitioner.

....

TEJINDER SINGH DHINDSA, J.

Pleadings on record indicate that in terms of order dated 03.05.2016 passed by the Judicial Magistrate 1st Class, Jalandhar, the complaint filed by the Vicky Saroay (respondent herein) qua the present petitioner was dismissed. A revision petition having been preferred by the complainant, an order dated 23.01.2017 has been passed by the learned Additional Sessions Judge, Jalandhar, whereby the order dated 03.05.2016 passed by the trial Court has been set aside and directions have been issued for passing an order afresh.

Learned counsel appearing for the petitioner would assail the order dated 23.01.2017 at Annexure P-1 in the instant petition filed under Section 482 Cr.P.C. by contending that the impugned order amounts to a summoning order against the petitioner.

The argument and contention raised by counsel proceeds on a ill-conceived premise. What fell for adjudication and consideration before the revisional Court was an order dated 03.05.2016 passed by the trial Court and in terms of which the complaint of the complainant qua the present petitioner had been dismissed. It is such order that has

been set aside by the revisional Court and the matter has been remanded back to the trial Court for passing an order afresh. Undoubtedly certain reasons and observations have been contained in the impugned order to justify the order of remand. This Court would not go into the correctness of such observations.

Suffice it to observe that the impugned order dated 23.01.2017 at Annexure P-1 can under no circumstances be construed as a summoning order against the present petitioner. What the trial Court has been called upon to do is to examine the complaint filed by the complainant afresh insofar as the present petitioner is concerned and thereafter to take a view as to whether the summoning is to be directed or not?

At this stage, counsel appearing for the petitioner states that if the impugned order is not to be seen as a summoning order qua the petitioner, he would not be pressing the instant petition and would have no grievance, if the same is taken to be simply a remand order.

Disposed of as not pressed.

Needless to observe that since the matter stands remanded to the trial Court for passing of an order afresh, the trial Court would proceed in the matter strictly as per procedure known to law.

A copy of this order be furnished to learned counsel for the petitioner under the signatures of the Bench Secretary.

09.02.2017

harjeet

- i) Whether speaking/reasoned?
- ii) Whether reportable?

(TEJINDER SINGH DHINDSA)
JUDGE

Yes
No