

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

CRR No. 230 of 2013(O&M)

Date of decision: 17.03.2017

Rakesh Kumar and others

....Petitioners

VERSUS

State of Punjab and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: None for the petitioners.

Mr. Mikhail Kad, AAG, Punjab.

None for respondent No.2.

REKHA MITTAL, J.

The present petition was filed in the year 2013 to assail order dated 06.12.2012 passed by the Additional Sessions Judge, Sri Muktsar Sahib framing charge against the petitioners for offence punishable under Sections 376, 354, 376 read with Section 511 and 376(2)(g) of the Indian Penal Code, 1860 (in short 'IPC') pertaining to FIR No.73 dated 11.06.2011 registered with Police Station Gidderbaha.

Perusal of the records would reveal that earlier the petitioners were being represented by Sh. R.S. Cheema, Senior Advocate with Mr. R.K. Trikha, Advocate. However, with effect from 14.01.2015, presence of Sh. S.S. Narula, Advocate for the petitioners is being recorded. On 02.03.2017, Sh. S.S. Narula, Advocate apprised the Court that he was never engaged as a counsel for the petitioners in the instant petition but his

presence is being recorded inadvertently and he has been representing the petitioners in petition bearing CRR No.2028 of 2012. There is no representation on behalf of the petitioners since January 2015. The petition which was being pursued on behalf of the petitioners by Sh. S.S. Narula, Advocate (CRR No.2028 of 2012) has been dismissed as withdrawn as trial has reached fag end being fixed for defence evidence by the petitioners/accused.

Taking into consideration the stage of proceedings pending before the trial Court coupled with the factum that there is no representation on behalf of the petitioners since January 2015, the present petition stands disposed of but without prejudice to the rights of the petitioners to raise all available pleas before the trial Court.

MARCH 17, 2017

‘D. Gulati’

(REKHA MITTAL)

JUDGE

Whether speaking/reasoned : yes/no

Whether reportable : yes/no