

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

**CRR No.2312 of 2017 (O&M)
Date of decision : August 30, 2017**

Rammehar

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Jasdev S. Thind, Advocate for the petitioner.

Mr. R.K. Makkad, DAG, Haryana.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

KULDIP SINGH J. (ORAL)

CRM-20466-2017

There is delay of 117 days in filing the present revision petition.

For the reasons mentioned in the application, delay of 117 days in filing the present revision petition is condoned, subject to all just exceptions.

Application stands disposed of.

Main Case

Learned counsel for the State has filed custody certificate of the petitioner in the Court today and the same is taken on record. It shows that the petitioner has surrendered before the trial court.

Learned counsel for the petitioner makes a limited prayer that his appeal should be heard and decided on merits, stating that the petitioner along with co-accused was convicted for the commission of offence

punishable under Section 411 IPC and was sentenced to undergo simple

imprisonment for six months by the learned Judicial Magistrate 1st Class, Hansi vide judgment of conviction and order of sentence dated 08.12.2016 and his appeal was dismissed by the learned Addl. Sessions Judge, Hisar vide order dated 04.01.2017, as he could not appear before the Court, whereas the appeal of the co-accused is pending.

Since, the petitioner has now surrendered before the trial court and is now in custody, therefore, the prayer of the petitioner is allowed. The impugned order dated 04.01.2017, dismissing the appeal of the petitioner is set aside and the case is remanded to the court of learned Addl. Sessions Judge, Hisar, where the appeal of the co-accused is pending, with a direction to hear the appeal of the petitioner also and decide the same on merits.

(KULDIP SINGH)
JUDGE

August 30, 2017

sarita

Whether speaking / reasoned Yes

Whether Reportable: No