

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

**CWP No. 25628 of 2017
Date of Decision: 09.11.2017**

Suresh Kumar

.....Petitioner

Vs.

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Aman Pal, Advocate,
for the petitioner.

AMOL RATTAN SINGH, J. (ORAL)

The petitioner having been convicted in criminal proceedings on charges framed against him for the commission of offences punishable under Sections 7 and 13 (1) (a) of the Prevention of Corruption Act, 1988, and having been sentenced to four years rigorous imprisonment, even if that sentence has been suspended in the appeal filed by the present petitioner against the judgment of the trial Court (in criminal proceedings), I see no reason to entertain this petition, at this stage at least.

Learned counsel for the petitioner contends that the petitioner not having been heard, it is not a case where the second proviso to Article 311 of the Constitution could have been invoked.

I do not agree with that contention, in view of the fact that the dismissal is on account of a criminal charge, with at least at this stage has been proved against the petitioner, with him having been sentenced as aforesaid.

Consequently, while dismissing this petition, liberty is granted to the petitioner to file a fresh petition if, in his appeal, the judgment of the trial Court is reversed.

November 09, 2017
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

No.