

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

**C.O.C.P. No. 1260 of 2018 (O&M)
Date of Decision: 24.04.2018**

Satish Kumar Saini

..... Petitioner

Versus

Sh. Akshdeep Mahajan, Chief Judicial Magistrate,
District Courts Complex, Sector-43, Chandigarh (UT)

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Petitioner-Satish Kumar Saini in person.

JASWANT SINGH, J.

Petitioner (Satish Kumar Saini) has filed this petition in person, alleging contempt of Court on the ground that the order dated 12.02.2018 (**Annexure P-10**) passed by Chief Judicial Magistrate, Chandigarh, in complaint case titled “*Jasbir Kaur Versus Satish Saini*”, directing the accused (petitioner) to appear either in person or through counsel/authorized agent is against the order dated 22.09.2017 (**Annexure P-1**) passed by this Court in *CRM-M No. 16455 of 2017*, whereby the petitioner was ordered not to appear in person till further orders. The trial Court had passed the order dated 12.02.2018, in compliance of the order dated 28.01.2016 (**Annexure P-6**), passed by the Revisional Court, wherein the summoning order dated 02.05.2015 (**Annexure P-5**) passed by learned trial Court was set aside and the matter was remanded back for passing a fresh order after hearing the necessary parties.

The brief facts are that in the year 2008, an immovable property was purchased by the petitioner alone, however, later on, the same

was shown to be purchased by the petitioner jointly with Jasbir Kaur (complainant in the complaint case). It is alleged by the petitioner that the said act of reflecting Jasbir Kaur as co-purchaser is a result of misappropriation and forgery of official records. The petitioner made complaint in this regard and after inquiries, finally with the intervention of the High Court in *CWP No. 20425 of 2012*, vide order dated 27.11.2014 (**Annexure P-3**), FIR No. 349 dated 05.12.2014 (**Annexure P-4**) was registered against Jasbir Kaur and others.

The said accused-Jasbir Kaur in the FIR case, set up a cross-version and brought a criminal complaint against the petitioner, whereupon after examining the pre-summoning evidence, the learned trial Court proceeded to summon the petitioner vide order dated 02.05.2015. It is this order, which had given rise to the criminal revision before the Additional Sessions Judge, Chandigarh, and the petition under Section 482 Cr.P.C. before this Court.

The stand of the petitioner that in view of the interim order dated 22.09.2017 (**P-1**), whereby it is ordered that the petitioner is not required to appear before the trial Court till further orders, the trial Court cannot summon the petitioner for the purposes of hearing and it amounts to the contempt of Court. This argument is patently misconceived as the trial Court has passed the order in question dated 12.02.2018 (**P-10**) in compliance of the directions of the Revisional Court as contained in the order dated 28.01.2016 (**P-6**). The trial Court has offered the opportunity of hearing to the accused, before passing the fresh order, that too with the option to either putting in appearance in person or through an

dated 28.01.2016 (**P-6**) is operative and there is no stay against this order. Mere extending the concession of exemption from personal appearance cannot be construed as an absolute exemption, as it would be difficult for the Court to proceed with the matter in compliance of the order dated 28.01.2016 (**P-6**). It may be further noticed that the prayer before this Court was only to the extent of exempting the personal appearance before the trial Court and, therefore, it cannot be presumed that it would mean that even an Advocate cannot represent the petitioner (accused). Even otherwise, this Court neither stayed the proceeding before the trial Court nor stayed the operation of the order of the Revisional Court and, therefore, it can be safely inferred that the trial Court was left to proceed with the case in compliance of the Revisional Court's order, which had specifically directed the trial Court to pass the fresh order after hearing the necessary parties.

In the light of above facts and circumstances of this case, the petition brought by the petitioner is apparently misplaced and does not warrant any kind of interference.

Dismissed.

April 24, 2018

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**(JASWANT SINGH)
JUDGE**

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>