

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc.No.M-36420 of 2016 (O&M)
Date of decision : 23.03.2018

Dalip Singh

... Petitioner

Versus

Charan Singh

... Respondent

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Ashok Bhardwaj, Advocate
for the petitioner.

RAJ SHEKHAR ATTRI, J.(Oral)

The petitioner has preferred the instant petition under Section 482 Cr.P.C. for quashing of order dated 04.06.2014, passed by the learned Additional Sessions Judge, Ludhiana, vide which the revision petition, preferred by respondent, has been accepted without issuing notice to the petitioner.

The impugned order has been challenged solely on the ground that the revisional court has not issued any notice to the petitioner-accused and the same has been disposed of without hearing him.

To the mind of this Court, the revisional court is required to issue notice and to hear the opposite party. In sub Section 2 of Section 401 Cr.P.C., it is specifically provided that no order under this section shall be made to the prejudice of the accused or other person unless he has had an opportunity of being heard either personally or by pleader in his own defence.

In this view of the matter, the impugned order dated

04.06.2014 is set aside with a direction to the revisional court to decide the revision petiton afresh after giving opportunity of being heard to the petitioner. Parties are directed to appear before the revisional court on 02.04.2018 either personally or through counsel.

Accordingly, the instant petition stands allowed.

23.03.2018

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(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No