

Sr. No.111

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

**CRM-M-39939-2018
Date of decision:12.09.2018**

Sukhjit Singh

.....Petitioner

versus

State of Punjab and others

.....Respondents

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

**Present: Mr. G.S.Nagra, Advocate
for the petitioner.**

Rajbir Sehrawat, J(Oral)

This is a petition seeking issuance of direction to the Sessions Judge/Additional Sessions Judge-I, Kapurthala, to decide the stay application filed by the present petitioner along with Criminal Revision; wherein he has challenged the acceptance by the Magistrate of the Cancellation Report filed by the Police in FIR No.155 dated 20.06.2015, registered under Sections 448/511/379/506/34 IPC, at Police Station Kapurthala City, District Kapurthala.

Learned counsel for the petitioner contends that after acceptance of the Cancellation Report by the Magistrate, the Police have initiated the proceedings under Section 182 Cr.P.C against the petitioner/complainant and the same is fixed before the Chief Judicial Magistrate for 18.09.2018. It is further contended by learned counsel that on the one hand, the revision petition filed by the petitioner is not being decided by the Court, despite the same having been filed in October, 2017 and on the other hand, the proceedings under Section 182 Cr.P.C. have been

initiated against him. It is submitted that if the Stay application is not decided by the Court below at the earliest, then the petitioner would be forced to face the unnecessary proceedings which have been initiated against him by the Police under Section 182 Cr.P.C.

Notice of motion to respondent No.1 only.

On the asking of the Court, Shri K.S.Aulakh, DAG, Punjab accepts notice on behalf of the State.

This Court finds substance in the arguments raised by the counsel for the petitioner. The petitioner can not be made to face the proceedings under Section 182(2) Cr.P.C. for the default of the Court.

In view of the above, the present petition is disposed of with a direction to the Sessions Judge, Kapurthala to either himself take up the revision filed by the petitioner or to assign it to another competent court, with a further direction that revision petition filed by the petitioner be decided within a period of 15 days; after getting the certified copy of the present order.

Disposed of.

12th September, 2018

Shivani Kaushik

**[RAJBIR SEHRAWAT]
JUDGE**

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*