

124.

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

I. CRM-M-42086-2016 (O&M)

Date of decision: 30.11.2018.

Madan Lal Grover

... Petitioner

Versus

State of Haryana and another

.... Respondents

II. CRM-M-5516-2017

Hem Ram Khatana

... Petitioner

Versus

State of Haryana and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Gautam Dutt, Advocate, and
Mr. Amit Jain, Advocate,
Ms. Sukriti Jain, Advocate,
Mr. Vipin Gupta, Advocate,
for the petitioner(s).

Mr. Manish Bansal, DAG, Haryana,
for respondent No.1.

Mr. Gurmohan Singh Bedi, Advocate,
for respondent No.2.

HARI PAL VERMA, J.(Oral)

CRM-38793-2016 IN CRM-M-42086-2016

Prayer in this application filed under Section 482 Cr.P.C. is to
carry out modification in the headnote and the prayer clause of the petition,

Section 319 Cr.P.C.

For the reasons stated in the application, same is allowed and the document Annexure P-6 is taken on record.

CRMs-M-42086-2016 & 5516-2017

Prayer in these petitions filed under Section 482 Cr.P.C. is for quashing the order dated 21.10.2016 (Annexure P-8) passed by learned Additional Sessions Judge, Gurgaon whereby revision petition filed by the respondent No.2-complainant-Sunil Sood against the order dated 04.04.2016 (Annexure P-7) passed by learned Judicial Magistrate 1st Class, Gurgaon was partly accepted and case was remanded back to the trial Court to pass afresh order, on the application filed by complainant under section 319 Cr.P.C..

Vide order dated 04.04.2016, learned Judicial Magistrate 1st Class, Gurgaon had dismissed the application filed by the complainant-Sunil Sood, under Section 319 Cr.P.C., for summoning Hem Ram Khatana and Madan Lal Grover (present petitioners) alongwith others to face trial for offence under Sections 419, 420, 467, 468, 471, 120-B IPC in case FIR No. 145 dated 19.08.2008, Police Station Badshahpur, District Gurgaon.

Respondent No.2-Complainant challenged the order dated 04.04.2016 passed by the learned Judicial Magistrate 1st Class, Gurgaon by way of a revision before the Court of Sessions. Vide order dated 21.10.2016, learned Additional Sessions Judge, Gurgaon partly has accepted the revision petition and observed that Hem Ram Khatana and Madan Lal Grover (present petitioners) are liable to be tried alongwith accused Anil Sood and Gaurav Malhotra. The revisionary court further directed the trial Court to pass a fresh order in the light of observation made in the order dated 21.10.2016.

Learned counsel appearing on behalf of the petitioner(s) has pointed out that pursuant to order dated 21.10.2016 passed by learned Additional Sessions Judge, the trial Court has passed order 26.10.2016 whereby the petitioner(s) have been ordered to be summoned in the case as additional accused. He states that the order dated 26.10.2016 could not be assailed under the bonafide belief that the present petition would yield all desired consequences. However, at this stage, he seeks withdrawal of both the petitions with liberty to challenge the order dated 26.10.2016 before the appropriate forum.

Dismissed as withdrawn with liberty aforesaid.

However, for availing the appropriate remedy i.e. to challenge the order dated 26.10.2016, the petitioner(s) shall not be non-suited merely on the ground of limitation.

(HARI PAL VERMA)
JUDGE

30.11.2018

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Whether speaking/reasoned
Whether Reportable:

Yes/No.
Yes/No.