

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-41484-2014 (O&M)
Date of decision: 25.10.2018

Kulwant Rai

... Petitioner

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Mandeep Kaushik, Advocate for
Mr. P.S. Ahluwalia, Advocate
for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

Mr. Inderjit Sharma, Advocate
for respondent No.2.

ARVIND SINGH SANGWAN, J. (ORAL)

During the course of arguments, it transpired that the revisional Court, while passing the impugned order dated 25.04.2013 (Annexure P-1), has not afforded an opportunity of hearing to the petitioner, against whom the said order was passed and therefore, both the parties agreed that the matter be remanded back to the Additional District and Sessions Judge for deciding it afresh in the light of judgments of the Hon'ble Supreme Court in **Raghav Raj Vs. M/s Shivam Sundram, 2009 (1) RCR (Crl.) 531** and **State of Punjab Vs. Davinder Pal Singh Bhullar, 2012 (1) RCR (Crl.) 126**.

A perusal of the record shows that respondent No.2, while filing the revision petition before the Court of Sessions, had only impleaded the State

of Punjab as respondent and therefore, no notice was issued to the petitioner in terms of Section 397 (2) Cr.P.C.

Since both the parties agreed that the impugned order be set aside and the matter be remanded back to the revisional Court for deciding it afresh after affording an opportunity of hearing to the petitioner, this petition is allowed and the impugned order dated 25.04.2013 (Annexure P-1) as well as consequential registration of FIR No.134 dated 03.09.2014 are set aside.

The parties are directed to appear before the revisional Court on 28.11.2018.

Since it is an old matter, the revisional Court will dispose of the matter expeditiously preferably within a period of six months.

Disposed of accordingly.

[ARVIND SINGH SANGWAN]
JUDGE

25.10.2018
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No