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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-7458-2018
Date of Decision: 21.02.2018

Sarveshwari Devi @ Sarba

..... Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. N.S. Shekhawat, Advocate,
for the petitioner.

SUDIP AHLUWALIA J. (ORAL)

[1]. This is a petition assailing the order passed by the Ld. Sessions Judge, Kurukshetra on 07.02.2018 whereby an earlier order rejecting an application under Section 319 of the Cr.P.C. filed on behalf of the complainant/respondent No.2. While making certain observations regarding the merits of the case, the Ld. Sessions Judge disposed off the revisional application preferred against the order of the Ld. Judicial Magistrate First Class, Kurukshetra by directing as under:-

“14. The revision petition is allowed. Since the case is old one pertaining to the year 2014, it is desirable that learned trial Magistrate shall decide the application under Section 319 Cr.P.C. expeditiously, in accordance with law. Trial court record along with copy of this judgment be sent back today itself. Revision file be consigned.”

[2]. It is, therefore, clear on plain perusal of the aforesaid directions that the matter has been remanded back to the Ld. Judicial Magistrate First Class for deciding the application under Section 319 of the Cr.P.C. afresh.

[3]. Ld. Counsel for the petitioner, however, submits that the revisional Court in Paragraph No.12 of the impugned order has recorded far reaching conclusions which would practically make allowing of the application under Section 319 of the Cr.P.C., a virtual formality for the Ld. Trial Court, and it is for this reason that the present petition under Section 482 of the Cr.P.C. has been filed.

[4]. In view of the facts and situation narrated above, the present petition is disposed off with a direction upon the Ld. Trial Court to dispose off the application under Section 319 of the Cr.P.C. *de novo* on merits after hearing both sides, as directed by the Ld. Sessions Judge, but without in any manner being influenced by any of the observations recorded in the impugned order dated 07.02.2018.

21.02.2018*Bhumika***(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/reasoned: Yes/No

2. Whether reportable: Yes/No