

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

**CRM-A No. 17-MA of 2017(O&M)
Date of decision: - 05.12.2019**

RAMESH KUMAR

... Applicant

Versus

STATE OF HARYANA AND ANR.

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. K. S. Banyana, Advocate for the applicant.

Mr. Rahul Mohan, DAG, Haryana.

Mr. Amandeep Saini, Advocate for
Mr. Sanjay Verma, Advocate for respondent No. 2.

HARNARESH SINGH GILL, J. (ORAL)

This is an application under Section 378(4) Cr. P.C. for grant of special leave to appeal.

Learned counsel for the applicant on 07.03.2018 brought to the notice of this Court that learned Magistrate in para 3 of the judgment had not given the facts of the present case, rather the facts of some other case has been mentioned. Accordingly, vide order dated, on 07.03.2018 Coordinate Bench of this Court sought the comments of Sh. Sanjay, Judicial Magistrate 1st Class, Kurukshetra, through District and Sessions Judge, Kurukshetra.

The District and Sessions Judge, Kurukshetra, vide letter dated 04.06.2018, forwarded the comments dated 02.06.2018 of Sh. Sanjay, Civil Judge (Jr. Divn.), who was posted at Pehowa at that time. As per the comments, there is mistake in para 3 of the judgment dated 29.10.2016, as the facts are of some other cases and the mistake is not intentional on his part.

After considering all the facts and merits of the case, the present application is disposed of with the direction that fresh adjudication of the case on the basis of evidence already led, be carried out by the Court of competent jurisdiction.

Accordingly, the matter is relegated to the District & Sessions Judge, Kurukshetra, to commit the same to the Court of competent jurisdiction for fresh adjudication of the case.

(HARNARESH SINGH GILL)
JUDGE

05.12.2019
Mangal Singh

Whether reasoned/speaking?	Yes
Whether reportable?	No