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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-24231-2016 [O&M]

Date of Decision : October 01, 2019

Sheela Mangal

.... Petitioner

Versus

State of Punjab and another

.... Respondents

CORAM : HON'BLE MR. JUSTICE SHEKHER DHAWAN.

Argued by Mr. B.S. Saini, Advocate,
for the petitioner.

Mr. Pawan Sharda, Sr. DAG, Punjab,
for respondent-State.

Mr. YogeshGoel, Advocate,
for respondent No.2.

SHEKHER DHAWAN, J.

Present petition under Section 482 of the Code of Criminal Procedure is for quashing of Criminal appeal dated 8.1.2016 (Annexure P/3) under Section 11(2) of the Probation of Offenders Act (for short, “**the Act**”) pending in the Court of learned Additional Sessions Judge, Ludhiana and notice issued to the petitioner in the said appeal on the ground that initiation of appeal proceedings against the petitioner by respondent No.2 is sheer abuse of process of law whereas the petitioner has no locus standi to file the appeal before learned Additional Sessions Judge, Ludhiana.

2. Facts relevant for the purpose of decision of the present petition; that Satish Kumar Jain, respondent No.2 herein, had filed a complaint under Sections 192, 193, 196, 197, 419, 420 and 34 IPC before learned Magistrate and vide order dated 30.10.2015 (Annexure P/2),

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learned Judicial Magistrate 1st Class, Ludhiana released the petitioner on probation. Thereafter, respondent No.2 preferred an appeal before learned Sessions Judge, which is pending.

3. Learned counsel for the petitioner contended that respondent No. 2 has no locus standi to file the appeal before learned Sessions Judge, Ludhiana as he is not an aggrieved person under Section 11(2) of the Act. More so, Vijay Kumar Mangal, husband of the petitioner had undergone complete sentence without jumping any bail and never misused the concession of bail and prayed that the criminal appeal filed under Section 11(2) of the Act pending before learned Additional Sessions Judge, Ludhiana be quashed/set-aside.

4. Learned counsel representing the petitioner also contended that the present appeal before learned Additional Sessions Judge is misuse of the process of law as per judgment of Larger Bench of Hon`ble Apex Court in **P.S.R. Sadhanantham Vs. Arunachalam and another**, **1980 AIR (SC) 856** and the appeal proceedings before the Court of Sessions is liable to be quashed/set-aside.

5. While arguing on this point, learned counsel as well as learned counsel for respondent No.2 contended that present petition under Section 482 Cr.P.C. is not because the matter is pending in appeal before the Court of learned Additional Sessions Judge, Ludhiana and the petitioner can take all the pleas taken in this petition, before the said Court.

6. Having considered the submissions made by learned counsel for the parties and appraisal of record of this case file as also the judgment referred to and relied upon by learned counsel for the petitioner, this Court is of the considered view that the aforesaid judgment in **P.S.R. Sadhanantham's case (supra)** is distinguishable on facts from the facts of

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the present case because in this case, the matter in controversy is pending in appeal proceedings before learned Additional Sessions Judge and the petitioner has every right and shall have the liberty to take all the pleas taken in this petition, before learned Additional Sessions Judge.

7. As such, the present petition under Section 482 Cr.P.C. is not maintainable and the same stands dismissed. However, it is made clear that the petitioner shall be at liberty to take all the pleas taken in this petition before learned Additional Sessions Judge, Ludhiana.

8. Resultantly, the present petition stands dismissed.

**(SHEKHER DHAWAN)
JUDGE**

October 01, 2019

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Whether speaking/reasoned? :	Yes
Whether reportable? :	Yes