

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

CRM-M-16064-2019(O&M)

Date of decision: 15.11.2019

Surender Rathi

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.Manish Soni, Advocate for the petitioner
Mr. Vikas Chopra, DAG, Haryana
Mr. Ankush Chowdhary, Advocate for respondent No.2

ANIL KSHETARPAL, J. (ORAL)

Learned counsel for the petitioner contends that learned Court of Sessions had reversed the order passed by the learned Trial Court on his application under Section 319 Cr.P.C without issuing notice to the petitioner. Sub section 2 of Section 401 Cr.P.C although deals with the parallel power of revision of the High Court, however, specifically provides that no order shall be reversed without giving opportunity of being heard to the accused or other person. The Court of Sessions has a parallel power of revision.

In the present case, accused had filed an application for summoning additional accused under Section 319 Cr.P.C which was allowed on 31.8.2017. The aforesaid order has been reversed by the Court of Sessions without giving opportunity of being heard to the petitioner who had filed application under Section 319 Cr.P.C.

Keeping in view the aforesaid facts, the order under challenge is set aside. Learned Court of Sessions is requested to pass a fresh order in accordance with law. Parties through their counsels are directed to appear before the Court of Sessions on 3.12.2019.

Disposed of.

15.11. 2019

rekha

Whether speaking/reasoned

Whether Reportable

(ANIL KSHETARPAL)

JUDGE

Yes / No

Yes / No