

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-36228-2014 (O&M)

Date of decision : 19.11.2019

Dinesh Gupta

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. V.K. Jindal, Sr. Advocate with
Ms. Janya Sirohi, Advocate for the petitioners.

Mr. Anmol Malik, AAG, Haryana.

Mr. Sanjiv Gupta, Advocate for respondent No.2.

ANIL KSHETARPAL, J. (ORAL)

Challenge is to the order dated 05.09.2012 passed by the Additional Session Judge, Karnal, dispensing with service of petitioner (accused).

While disposing of the petition, the Court of Sessions had formed an opinion that case is exclusively triable by the Court of Sessions.

Learned counsel for the petitioner-Dinesh Gupta contends that the order has been passed without hearing the petitioner herein and, therefore, it is in violation of the procedure laid down under Section 399 Cr.P.C.

Learned counsel for the respondents does not dispute that fact.

In view thereof, learned Additional Session Judge is requested to pass a fresh order qua him after giving opportunity of being heard to the petitioner within a period of one month.

In view of the above, the present petition is disposed of.

19.11.2019

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No