

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

206

CRM-M-21786-2019(O&M)

Date of Order: 29.10.2019

BHUPINDER SINGH

..Petitioner

Versus

BIBI HARBHAJAN KAUR

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Parampreet Singh Paul, Advocate,
for the petitioner.
Mr. Navkiran Singh, Advocate and
Mr. Harpreet Kaur, Advocate,
for the respondent.

ANIL KSHETARPAL, J(Oral)

Question which needs consideration is “whether the Court of Sessions while hearing revision against the order passed by Magistrate refusing to summon the accused can set aside the order passed by the Magistrate and remit the case back to the Magistrate without hearing the proposed accused?

The aforesaid issue stands settled by the Hon'ble Supreme Court in the case of *Manharibhai Muljibhai Kakadia vs. Shaileshbhai Mohanbhai Patel and others, (2012) 10 SCC, 517*, which has been repeatedly followed by this Court.

In view thereof, the order under challenge passed by the Court of Sessions Annexure P-4, dated 21.05.2018 is set aside. The Court of Sessions is directed to pass a fresh order after hearing all concerned. All subsequent proceedings shall also stand quashed.

Parties are directed to appear before the Court of Sessions on 11.11.2019.

October 29, 2019

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Whether speaking/reasoned

Whether reportable

(ANIL KSHETARPAL)

JUDGE

: Yes/No

: Yes/No