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

**CRR-1403-2017 (O&M)
Date of Decision: 23.01.2019**

Charanjit Singh and others

...Petitioners

Versus

State of Punjab

....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. Manuj Nagrath, Advocate
for the petitioners.

Mr. A.S.Gill, DAG, Punjab.

RAMENDRA JAIN, J. (ORAL)

Through this revision, the petitioners have laid challenge to order dated 10.03.2017 of the Appellate Court, whereby the case was remanded to the trial Court to pass fresh decision on the basis of evidence already led by the parties on record, while setting aside the judgment dated 19.10.2015 of the trial Court.

Learned counsel for the revisionists contends that the appellate Court was legally empowered well in its wisdom to decide the appeal filed by the State of Punjab on merits. Therefore, remanding the case of the petitioners to the trial Court, while setting aside judgment of acquittal of petitioners dated 19.10.2015, is illegal with a direction to pass a fresh order on appreciation of evidence already led on record, inasmuch as, case of the petitioner could not

have been remanded in view of the fact that no new evidence or fact had to be brought on record.

Learned State counsel has not opposed the above submissions made by the learned counsel for the petitioners.

Giving thoughtful consideration to the submissions made by learned counsel for the petitioners, this Court, finds merit in the same for the following reasons:-

1. There was not any extraordinary circumstance before the appellate Court which formed its opinion to remand the case.
2. The appellate Court is required to do its duty honestly and diligently, instead of shirking from the same, by remanding the case inasmuch as, it being superior Court is armed with more powers than the trial Court, to decide an appeal on its own on merit after appreciation of evidence brought by the parties on record instead of remanding the case.
3. Now-a-days, the fact cannot be lost sight of that it has become a common factor of the appellate and revisional Courts to remand the cases, instead of dealing with the same on its own on merits. This practice has to be deprecated and curbed down.

In view of the above, discussion, the impugned judgment dated 10.03.2017, remanding the case is set aside. The appellate Court is directed to decide the appeal of the State of Punjab against the petitioner within three months positively from the date of receipt of the order.

23rd January, 2019
shabha

[RAMENDRA JAIN]
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>