

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

CRR-2311-2017

Date of Decision:-19.7.2019

Narain Singh @ Kallu

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. A.S. Mehta, Advocate
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab
for respondent No.1.

Mr. R.S. Manhas, Advocate
for respondent No.3.

Mr. Palvinder Singh, Advocate
for respondent No.4.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner/complainant-Narain Singh @ Kallu has approached this Court challenging order dated 8.5.2017 passed by learned Additional Sessions Judge, Pathankot, which reads as follows:-

“Respondent No.2 is already served and allegations against all the three respondents are same and there is substantial service in this case. Let record be requisitioned and matter be fixed for arguments for 24.5.2017.”

2. The petitioner had filed a criminal complaint against respondents No.2 to 4 namely ASI Des Raj (retired), Dinesh Singh and Manoranjan Kalia, for offences punishable under Sections 177, 193, 195, 203, 211, 384, 427, 502, 506, 32, 120-B of the Indian Penal Code mainly on the ground that the complainant had been made to face malicious prosecution at the instance of said accused/respondents No.2 to 4.
3. Learned Judicial Magistrate Ist Class, Pathankot after taking preliminary evidence did not find any sufficient ground to proceed against the accused and consequently dismissed the complaint vide order dated 29.7.2016.
4. Aggrieved by order dated 29.7.2016 dismissing his complaint, the complainant/petitioner-Narain Singh @ Kallu preferred a revision petition in the Court of learned Sessions Judge, Pathankot, where only respondent No.2-ASI Des Raj could be served and the other two respondents namely Dinesh Singh and Manoranjan Kalia arrayed as respondents No.3 and 4 could not be served despite issuance of summons repeatedly. Subsequently the following order

was passed by learned Additional Sessions Judge, Pathankot on 8.5.2017:-

“Respondent No.2 is already served and allegations against all the three respondents are same and there is substantial service in this case. Let record be requisitioned and matter be fixed for arguments for 24.5.2017.”

5. Learned counsel for the petitioner has submitted that the aforesaid order dated 8.5.2017 may rather prove to be nocuous at a later stage especially if any adverse order is passed against respondents No.2 to 4 inasmuch as respondents No.3 & 4 at a later stage may turn round and may take a plea that they had never been properly served by the Court of learned Additional Sessions Judge, Pathankot.
6. The petition is being opposed by the private respondents No.3 & 4 Dinesh Singh and Manoranjan Kalia who are duly represented by their counsel namely Mr. R.S. Manhas & Mr. Palvinder Singh.
7. Having heard learned counsel, the revision petition is dismissed with a clarification that respondents No.3 & 4 who are duly represented by their counsel shall be deemed to be duly served and aware of the criminal revision petition pending against them i.e. CRR-83-2016, pending in the Court of learned Additional Sessions Judge, Pathankot and would

certainly be at liberty, in case they wish to appear and contest the said revision, to do so. It is clarified that in case they do not choose to appear before the Court of learned Additional Sessions Judge, Pathankot, they would be debarred from raising any plea at a later stage that they had not been served in the said revision petition or were not away about its pendency or that such revision petition was decided in their absence.

8. The revision petition stands disposed of with the aforesaid clarification.

(GURVINDER SINGH GILL)
JUDGE

19.7.2019
Gaurav Sorot

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No