

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

272

CRR-3277-2017 (O & M)
Date of Decision:24.07.2019

Dharampal

...Petitioner

Versus

Ram Kavar and others

...Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. S.K. Sharma, Advocate for the petitioner.

Mr. Ashit Malik, Advocate
for respondents No.1 to 3.

Mr. Nischal Mann, DAG, Haryana.

MANOJ BAJAJ, J.

This petition has been filed by the petitioner for challenging the impugned order dated 02.06.2017 passed by the learned Additional Sessions Judge, Rohtak whereby his appeal against the impugned judgment/order dated 08.01.2016 and 13.01.2016 passed by the Ld. Lower court of Sh. Ashwani Kumar, ACJM, Rohtak, was dismissed.

Learned counsel for the petitioner contends that the Appellate Court has wrongly construed the appeal only to the extent of challenging the quantum of sentence whereas in fact the claim in appeal was pertaining to the acquittal of the accused for the offence punishable under Section 325 IPC. Attention of the Court is invited to the grounds of appeal wherein the appeal claimed this fact. The head note is reproduced below:-

“Criminal Appeal against the impugned

judgment/order dated 08.01.2016 and 13.01.2016 passed

by the Ld. Lower court of Sh. Ashwani Kumar, ACJM, Rohtak passed in the above noted case FIR vide which accused have been held guilty for the offence 323, 506, 34 IPC and convicted and passed quantum of sentence passed by extended the benefits of probation to the accused.”

At this stage, learned counsel appearing on behalf of respondents No.1 to 3 does not dispute this fact that the appeal was maintainable before the Additional Sessions Judge, Rohtak.

In view of the above, without commenting anything upon the merits, impugned order is set aside and the Appellate Court is directed to decide the appeal on merits.

Disposed off.

24.07.2019

sheetal

(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No