

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

**CRR-3885-2017 (O&M)
Date of Decision: 24.10.2019**

Priyanka

...Petitioner

Versus

Hawa Singh and others

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Jitender Dhanda, Advocate for the petitioner.
Mr. Rajesh Lamba, Advocate for respondents No.1 and 2.

ANIL KSHETARPAL, J.

Challenge is to the order passed by the learned Additional Sessions Judge-I, Fatehabad, holding that since offence under Section 3 of the Scheduled Castes and Tribes (Prevention of Atrocities) Act, 1989 (for short 'the Act of 1989') and offences under Sections 452 and 354 B IPC are not made out and therefore, the matter is remitted back to the Additional Chief Judicial Magistrate, Fatehabad.

After arguing for some time, learned counsel for the parties have arrived at a consensus.

Keeping in view the fact that the learned Additional Sessions Judge has not noticed the unamended provisions of Section 3(i) (ix) of the Act of 1989 as applicable before amendment, enforced with effect from 26.01.2016, learned counsel for both the parties have submitted that let the impugned order be set aside and the learned Court of Sessions be requested to pass a fresh order after considering all the material available on record.

In view of the consensus arrived at between the parties, the

order under challenge is set aside and the learned Court of Sessions is directed to pass a fresh order after considering all the material available on record.

The parties through their respective counsel are directed to appear before the Court of Sessions on 06.11.2019.

Disposed of, accordingly.

24.10.2019
mks

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No