

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

LPA No. 1170 of 2018 (O&M)

Date of decision: 28.11.2019

Pardeep

.. Appellant

vs

State of Haryana and others

.. Respondents

**Coram: Hon'ble Mr. Justice Ravi Shanker Jha, Chief Justice.
Hon'ble Mr. Justice Rajiv Sharma**

Present Mr. Navkiran Singh, Advocate, for the appellant.

Ravi Shanker Jha, Chief Justice

CM No. 3131-LPA of 2018

For the reasons stated in the application, delay of 34 days in filing the appeal is condoned.

The application stands disposed of.

LPA No. 1170/2018

This Letters Patent Appeal has been filed by the appellant being aggrieved by the order dated 3.5.2018 passed in CWP No. 10489 of 2018, whereby the order dated 13.6.2016 passed by the Additional Chief Secretary to the Government of Haryana, Jail Department, rejecting the application filed by the appellant under Section 433 Cr.P.C. for pre-mature release was upheld. The learned Single Judge after considering all aspects had dismissed the writ petition.

In the circumstances, it is evident that the proceedings in the instant case arise from the proceedings initiated under Section 433 of the

Code of Criminal Procedure and the order passed thereunder rejecting the application for pre-mature release. In these circumstances, as the proceedings and the order passed by the learned Single Judge relate to criminal proceedings out of the Criminal Procedure Code, a letters patent appeal against the order passed by the learned Single Judge is not maintainable in view of the decision of Hon'ble the Supreme Court rendered in Ram Kishan Fauji vs State of Haryana and others 2017 (5) SCC 533.

The appeal is accordingly dismissed as not maintainable.

(Ravi Shanker Jha)
Chief Justice

28.11.2019
vs

(Rajiv Sharma)
Judge

Whether speaking/ reasoned

Yes/No

Whether Reportable

Yes/No