

CRR-898-2018

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

**CRR-898-2018 (O & M)
Date of Decision: 01.07.2019**

Kulwinder Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Pratham Sethi, Advocate,
for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

Mr. H.S.Brar, Advocate,
for respondents No.2 and 3.

INDERJIT SINGH, J.

Petitioner has filed this revision against respondents-State of Punjab, Amarjit Singh and Gurvinder Singh @ Goldy, for setting aside the order dated 30.01.2018 passed by learned Additional Sessions Judge, Ludhiana, whereby application filed by respondents No.2 and 3 for sending their case to the Juvenile Justice Board, Ludhiana, for trial has been dismissed.

Notice of motion was issued. Learned State counsel appeared on behalf of respondent No.1 and respondents No.2 and 3 also appeared through their counsel.

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I have heard learned counsel for the parties and learned State counsel and gone through the record.

Learned counsel for the petitioner argued that the impugned order dated 30.01.2018 has not been passed by learned Additional Sessions Judge, Ludhiana, as per the amended rules, rather the same has been passed as per the old rules.

Learned State counsel as well as learned counsel for respondents No.2 and 3 admitted the said fact and agreed that the lower Court has not passed the impugned order dated 30.01.2018 as per the amended rules. They also stated that they have no objection, if the matter is remanded back to the lower court to decide the same afresh as per the amended law.

Keeping in view the fact that all the parties admitted that the lower Court has passed the impugned order without noticing the amended rules, therefore, the present revision is allowed and the impugned order dated 30.01.2018 passed by learned Additional Sessions Judge, Ludhiana, is set aside. Learned Additional Sessions Judge, Ludhiana, is directed to decide the matter afresh as per law after hearing the parties. The parties through their counsel are directed to appear there on 18.07.2019.

Pending application(s), if any, also stand disposed of.

01.07.2019

parveen kumar

**(INDERJIT SINGH)
JUDGE**

Note:	Whether speaking/reasoned	:	Yes
	Whether reportable	:	No