IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

LPA No. 577 of 2019 (O&M)
Date of Decision: 17.02.2020

State of Haryana and others .....Appellants

versus

Pawan son of Mool Chand .....Respondent

CORAM: HON'BLE MR.JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE

Present : Mr. Sandeep Moudgil, Addl. Advocate General, Haryana, for the appellants.

Mr. V.K.Jindal, Advocate, for the respondent.

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RAVI SHANKER JHA, CHIEF JUSTICE (oral)

CM No. 3396 of 2019

Written statement filed on behalf of the respondent is taken on record. Application stands disposed of.

CM No. 1366-LPA of 2019

Heard. For the reasons mentioned in the application, delay of 65 days in filing the appeal is condoned. Application stands disposed of.

LPA No. 577 of 2019

This Letters Patent Appeal has been filed by the appellants being aggrieved by the order dated 03.12.2018 passed by the learned Single Judge in Civil Writ Petition No. 19130-2018 whereby the writ petition was allowed and the order dated 25/30.04.2018 passed by Additional Chief Secretary to the Government of Haryana, Jails Department, rejecting the application for pre-mature release of the respondent was set aside and the

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appellant-State of Haryana was directed to reconsider the case of the respondent.

2. 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 the 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 the Supreme Court rendered in ***Ram Kishan Fauji v. State of Haryana and others 2017(5) SCC 533.***

The appeal is accordingly dismissed as not maintainable.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

17.02.2020
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Whether speaking/reasoned	√Yes/No
Whether reportable	Yes/No√

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