

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

**CRM-M-37791-2015 (O&M)**  
**Date of Decision : 03.02.2020**

Narender Kumar Gupta @ Patel

..... Petitioner

Versus

Manoj Kumar and another

..... Respondents

**CORAM : HON'BLE MR. JUSTICE RAMENDRA JAIN**

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Present : Mr. Deepender Singh, Advocate for the petitioner.

None for respondent No.1.

Mr. Chetan Sharma, AAG, Haryana  
for respondent No.2-State.

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**RAMENDRA JAIN, J. (Oral)**

Through this petition under Section 482 Cr.P.C. petitioner has laid challenge to order dated 31.05.2012 of the revisional court whereby order dated 16.12.2011 of the trial court, dismissing complaint of respondent No.1-complainant under Sections 147, 148, 384, 420, 499, 506, 120-B IPC was set aside and the case was remanded to the trial court for fresh decision after summoning the petitioner.

Briefly, respondent filed a complaint under Sections 147, 148, 384, 420, 499, 506, 120-B IPC against the petitioner and others averring that petitioner, as a Panchayat member, who is none-else but father-in-law of respondent No.1-complainant, in connivance with others, misappropriated Rs.2,75,000/- deposited by respondent No.1 in cash with him.

After recording preliminary evidence of complainant, trial court did not find any prima facie case against petitioner to direct him to face trial under aforesaid Sections, Thus, it discharged him vide impugned order dated 16.12.2011 (Annexure P-2).

Being aggrieved, respondent-complainant filed a revision before the revisional court, who, vide impugned order dated 31.05.2012 (Annexure P-3), partly allowing the petition and setting aside the aforesaid order of the trial court, remanded the case for fresh decision, holding that two of the accused were to be tried under aforesaid sections out of six.

Heard.

The petitioner was never issued any notice by the revisional court before passing the impugned order dated 31.05.2012, setting aside the order of trial court dated 16.12.2011 discharging him while dismissing complaint of respondent against him.

It is repeatedly held by the Hon'ble Apex Court that a person accused of in a complaint case has a right to be heard in revision, in case, the case is sent back for fresh consideration. Reference can be had to **Manharibhai Muljibhai Kakadia and another vs. Shaileshbhai Mohanbhai Patel and others 2012 (4) RCR (Criminal) 689.**

In view of discussion made above, impugned order dated 16.12.2011 of the revisional court is set aside. It is directed to decide the revision afresh after serving due notice upon respondent No.1 and other affected persons.

Disposed of accordingly.

(RAMENDRA JAIN)  
JUDGE

03.02.2020  
mamta

Whether speaking/reasoned  
Whether Reportable

Yes/No  
Yes/No