

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

LPA No. 1773 of 2019 (O&M)

Date of Decision: 17.02.2020

State of Haryana and others

.....Appellants

versus

Sudhir Kumar and another

.....Respondents

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

Present : Mr. Sharad Aggarwal, Assistant Advocate General, Haryana,
for the appellants.

Mr. Ankit Bishnoi, Advocate, for the respondent No.1.

Mr. D.N.Ganeriwala, Advocate with
Mr. S.S.Killianwali, Advocate, for respondent No.2.

RAVI SHANKER JHA, CHIEF JUSTICE (oral)

CM No. 3976-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. 1773 of 2019

This Letters Patent Appeal has been filed by the appellants
being aggrieved by the order dated 17.07.2019 passed by the learned Single
Judge in Civil Writ Petition No. 11590 of 2018 whereby the writ petition
was disposed of and the order dated 25.04.2018 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
appellant-State of Haryana was directed to reconsider the case of
respondent No.1.

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√