

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

**CRM-M No.35787 of 2021(O&M)
Date of Decision:22.09.2021
(Heard through VC)**

Jasvir Kaur

...Petitioner

Vs

State of Haryana and another

...Respondents

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. S.S. Kamboj, Advocate
for the petitioner.

Mr. Dhruv Sihag, AAG, Haryana.

JAISHREE THAKUR J. (ORAL)

The petitioner herein by way of instant petition challenges the impugned order dated 12.08.2021 passed in Criminal Appeal No.244 of 2017 by the Sessions Judge, Karnal whereby appeal filed by the petitioner was dismissed for non-prosecution.

Counsel for the petitioner while assailing the aforesaid order relies upon the judgment passed by the Hon'ble Supreme Court in *Madan Lal Kapoor Vs. Rajiv Thapar 2007 (4) RCR (Criminal) 157* wherein it has been held that a criminal revision petition cannot be dismissed in default. In *Parsuram Patel and another Vs. State of Orissa (1994) 4 SCC 664*, the Hon'ble Supreme Court held that a criminal appeal cannot be dismissed for default.

I have heard learned counsel for the parties and keeping in view the ratio decidendi culled out by the Hon'ble Supreme Court in the judgments referred to supra, the instant petition is allowed. Order dated 12.08.2021 passed by the Sessions Judge, Karnal is set aside and the matter is remitted back to the Sessions Judge, Karnal to decide the same on merits.

**(JAISHREE THAKUR)
JUDGE**

September 22, 2021

P.Bhatt

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No