In the High Court of Punjab and Haryana at Chandigarh

CRM-M No. 44518 of 2021
Date of Decision: 01.12.2021

Janmit Singh Chadha .....Petitioner

Versus

Union Territory of Chandigarh and others .....Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Harish Goyal, Advocate
for the petitioner.

Mr. Parampreet Singh Paul, APP, U.T., Chandigarh.

Mr. Amit Kumar, Advocate
for respondent No. 2.

Mr. S.M.Tripathi, Advocate
for respondents No. 3 to 6.

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SURESHWAR THAKUR, J. (ORAL)

(Through video conferencing)

1. The learned Judicial Magistrate Ist Class, Chandigarh, made a verdict of dismissal on 20.4.2017, upon an application filed under Section 340 Cr.P.C. The aggrieved therefrom, preferred an appeal before the Court of the learned Additional Sessions Judge, Chandigarh.

2. However, when the apposite appeal became listed for hearing before the Court (supra), on 28.9.2021, hence for the non appearances of the counsels concerned, on the date supra, it became dismissed for default. The dismissal in default of the apposite appeal, is completely unwarranted, as after drawing of criminal proceedings, and/or, after drawing of miscellaneous applications thereons, against the accused concerned, neither

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the trial Magistrate nor the appellate Court concerned hold any jurisdiction to oust the accused or the complainant from contesting the *lis* on merits.

3. Therefore, the impugned order is quashed, and, set aside. The learned Additional Sessions Judge concerned, is directed to restore to its original number the appeal concerned, and, thereafter, is directed to, after hearing the counsel for the aggrieved, and, the counsel for the respondent, make thereons an order, in accordance with law, within two months hereafter.

4. The petition stands disposed of.

(SURESHWAR THAKUR)
JUDGE

December 01, 2021
Gurpreet

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

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