

CRM-M-13156-2022 (O&M)

Date of Decision: 5.4.2022

Krishna Devi and others

..... Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. K.K. Saini, Advocate, for the petitioners.

Rajesh Bhardwaj, J. (ORAL)**CRM-12619-2022**

Annexure P-3 is taken on record.

Application stands allowed.

Main case

The petitioners have approached this Court impugning the order dated 25.8.2021, whereby, the petitioners have been summoned under Section 319 Cr.P.C. in a case FIR No.103 dated 20.9.2016, registered under Sections 406, 498-A IPC, at Police Station Women Cell at Ludhiana.

Learned counsel for the petitioners submits that against the summoning order, he availed the remedy of revision before the learned Additional Sessions Judge, Ludhiana, however, as the matter could not be heard, he had withdrawn that revision. After arguing for some time, he submits that he may be allowed to withdraw this petition with liberty to approach the Court of learned Additional Sessions Judge for availing remedy of revision, which he has erroneously withdrawn on 16.3.2022.

The order dated 16.3.2022 has been placed on record as Annexure P-2. Though the same is not impugned in this petition, however, it is apparent that the revision petition filed before the learned Additional Sessions Judge has

been withdrawn by the petitioner as the same could not be heard on urgent basis.

It has been submitted by learned counsel for the petitioner that the order dated 16.3.2022 could not be assailed by him as he has withdrawn the same due to the urgency without realizing that he would not be able to assail the same further. He candidly submits that in case his prayer for restoration of the revision petition to its original number, is not accepted, then he would become remediless.

After hearing learned counsel for the petitioner and taking into consideration the mitigating facts, this Court finds it appropriate to intervene in the matter to meet the ends of justice. In case of not entertaining the prayer of the petitioner, he would be left with no further remedy, which would be totally against the spirit of law. Hence, the learned Additional Sessions Judge, Ludhiana is directed to restore the revision petition filed by the petitioner to its original number and decide the same on merits in accordance with law. The order dated 16.3.2022 is set aside.

The revision petition is disposed of in the above said terms.

(RAJESH BHARDWAJ)
JUDGE

5.4.2022
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Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No