

**In virtual Court**

**CRM-M-2403-2016**

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

**CRM-M-2403-2016 (O&M)**

**Date of decision: 07.03.2022**

**Kashmir Singh and others**

**... Petitioners**

**Vs.**

**Sucha Singh**

**... Respondent**

**CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present: Mr. Sarabjit Singh, Advocate  
for the petitioners.

Mr. P.S. Brar, Advocate  
for the respondent.

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**ARVIND SINGH SANGWAN, J. (ORAL)**

Prayer in this petition is for quashing of complaint No.89 dated 09.01.2010 titled as Sucha Singh Vs. Kashmir Singh and others, under Section 3(10) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'SC&ST Act') read with Sections 506/511 of the Indian Penal Code (for short 'IPC') as well as the summoning order dated 02.06.2015 (Annexure P-5).

Brief facts of the case are that respondent Sucha Singh filed a

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complaint under Section 3(10) of SC&ST Act read with Sections 323/506 IPC against the petitioners. The Judicial Magistrate 1<sup>st</sup> Class, after recording the preliminary evidence, vide order dated 01.03.2014, dismissed the complaint. Thereafter, respondent Sucha Singh challenged the said order before the Court of Sessions by way of filing revision petition, which was allowed and the case was remanded back to the trial Court to decide afresh.

Learned counsel for the petitioners, at the very outset, referred to a judgment of the Hon'ble Supreme Court in **Mohit @ Sonu Vs. State of U.P.**, wherein it is held that once an order of discharge or acquittal is passed by the trial Court or trial Court do not summon an accused, it gives a vested right in favour of the accused that as and when a revision or an appeal is filed, the same cannot be decided, without affording an opportunity of hearing to the concerned accused persons. Learned counsel has referred to the order dated 08.07.2014 (Annexure P-6), to submit that after hearing learned counsel for complainant/revisionist Sucha Singh, revision was allowed and the matter was remanded back to the trial Court.

Learned counsel has further submitted that in pursuance of the remand order, the trial Court passed fresh order on 02.06.2015, summoning the petitioners under Section 3(10) of SC&ST Act read with Sections 506/511 IPC and petitioners have put in appearance.

Learned counsel for the respondent has not disputed the factual position.

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After hearing learned counsel for the parties, this petition is allowed and the order dated 08.07.2014 (Annexure P-6) passed by the Additional Sessions Judge, Amritsar, remanding the case back to the trial Court for fresh decision, is set aside.

Resultantly, the impugned order dated 02.06.2015 (Annexure P-5) passed by the trial Court, summoning the petitioners, is also set aside.

The matter is remanded back to the Court of Sessions to decide afresh, after affording an opportunity of hearing to the petitioners.

The parties are directed to appear before the revisional Court on 09.05.2022.

Disposed of, accordingly.

**[ ARVIND SINGH SANGWAN ]  
JUDGE**

07.03.2022  
*vishnu*

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No