

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

CRM-M-40234-2016 (O&M)
Date of Decision:- 20.9.2022

Times Now, Times Global Broadcasting Company Ltd. ... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. R.S. Cheema, Senior Advocate with
Mr. Kunal Tandon and Mr. Vikas Chaudhary, Advocates
for the petitioner.

Mr. Luvinder Sofat, DAG, Punjab.

Mr Ishan Khetarpal, Advocate
for the respondent No. 2 - complainant.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court so as to assail order dated 26.5.2016 (Annexure P-10) passed by the Court of learned Sessions Judge, Faridkot whereby while accepting a revision petition filed by respondent no. 2/complainant, the order dated 26.5.2016 passed by learned Magistrate dismissing the complaint of respondent no. 2/complainant has been set aside and it was directed that the matter be entrusted to the Court of Chief Judicial Magistrate, Faridkot with a direction to summon the accused and to proceed further in accordance with law.
2. The short point canvassed before this Court is that the impugned order passed by learned Sessions Judge, Faridkot is against the provisions of Section 397 read with Section 401(2) Cr.P.C. which mandates that before

passing any order adverse to accused or any other person in a revision petition, such affected accused or any person is required to be heard. The aforesaid issue is squarely covered by a judgment of Hon'ble Apex Court in (2012) 10 SCC 517 – Manharibhai Muljibhai Kakadia and another versus Shaileshbhai Mohanbhai Patel and others.

3. Shri R.S. Cheema, learned Senior Advocate has submitted that since the impugned order was passed without issuing any notice to petitioner, the same cannot sustain and is liable to be set aside particularly in view of ratio of Manharibhai Muljibhai Kakadia's case (supra).
4. Mr. Ishan Khetarpal, Advocate representing respondent No. 2/complainant has fairly conceded that the aforesaid legal position is well settled.
5. Keeping in view the aforesaid well settled position of law, the impugned order dated 26.5.2016 (Annexure P-10) passed by the Court of learned Sessions Judge, Faridkot, having been passed without notice to petitioner, cannot sustain and deserves to be set aside. The instant petition, as such, is accepted and the impugned order and also the subsequent proceedings and orders which may have been passed by learned Chief Judicial Magistrate, Faridkot including order passed by learned Chief Judicial Magistrate, Faridkot (Annexure P-2), are hereby set aside.
6. The matter is remanded back to the Court of Sessions with a direction to decide the revision petition afresh.
7. The petition stands accepted accordingly.

20.9.2022

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(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No