

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

CRR No. 1462-2022 (O&M)

Date of Decision: 15.09.2022

Vikas Sharma

.....Petitioner

Vs.

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Neeraj Gupta, Advocate,
for the petitioner.

Mr. Praveen Bhadu, A.A.G., Haryana.

Mr. Ashok Kaushik, Advocate,
for the complainant/respondent no. 2.

VIKAS BAHL, J. (Oral)

1. Challenge in the present revision petition is to the order dated 06.06.2022, passed by the Additional Sessions Judge, vide which the appeal filed by the present petitioner has been dismissed as withdrawn without there being any adjudication on the merits of the case.
2. Learned counsel for the petitioner has submitted that it is on the basis of wrong legal advice that they had withdrawn the said appeal as the petitioner, who was convicted in three cases, was informed by the counsel that the said sentences were to run concurrently whereas, there was no specific order/observation to the said effect. It is submitted that the petitioner wishes to argue his appeal without undue delay and is ready to compensate the complainant by paying an amount of Rs. 30,000/- to the complainant. It is also prayed that the bail application in the appeal be also

considered by the Additional Sessions Judge, Gurugram, in accordance with law as expeditiously as possible.

3. Learned counsel for the complainant has submitted that the present appeal was filed in the year 2014 and the petitioner was convicted on 29.01.2020 and since then, the petitioner has been trying to delay the matter. It is submitted that however, to bring finality in the case, the impugned order be set aside but the petitioner be directed to argue the main appeal as expeditiously as possible.

4. Keeping in view the abovesaid facts and circumstance and also the stand taken by the learned counsel for the complainant, the present revision petition is disposed of on the following agreed terms:-

(i) The order dated 06.06.2022 is set aside and the parties are directed to appear before the Additional Sessions Judge, Gurugram, on 26.09.2022;

(ii) The petitioner is directed to pay an amount of Rs. 30,000/- to the complainant on or before 26.09.2022 on account of the delay caused in the proceedings;

(iii) The petitioner would be at liberty to move a fresh application for bail and the appellate court is requested to decide the same as expeditiously as possible preferably within a period of 05 days from the date of filing of the said application;

(iv) It would be open to the complainant to move an application under Section 148-A of the Negotiable Instruments Act, 1881, and the lower appellate court is requested to decide the same as expeditiously as possible; and

(v) Learned Lower appellate court is also requested to decide the main appeal also as expeditiously as possible preferably within a period of 03 months from 26.09.2022.

5. This Court has not made any observations on the merits of the case and it would be open to both the parties to raise all the pleas, as available to them, in accordance with law, before the learned lower appellate court which would consider the same independently and in accordance with law.

6. The learned counsel for the complainant as well as the accused are directed to fully assist the Lower Appellate Court in expeditious disposal of the application/main appeal.

7. It is made clear that in case the amount of Rs. 30,000/- is not paid to the complainant on or before 26.09.2022, then the present revision petition would be deemed to have been dismissed.

8. Pending miscellaneous application, if any, stands disposed of in view of the abovesaid order.

September 15, 2022
nitin

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No