

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

110

CRR-1482-2022(O&M)

Date of Decision : **August 31, 2022**

SHINDRO

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. B.D.Sharma, Advocate for the petitioner.

JASGURPREET SINGH PURI. J. (Oral)

The present revision petition has been filed challenging the order dated 24.5.2022 passed by learned Additional Sessions Judge, Amritsar whereby charges under Sections 302 read with Section 120-B IPC have been framed against the petitioner.

The learned counsel for the petitioner has submitted that the petitioner is an adult lady of the age of 38 years and she has been summoned by the Juvenile Justice Board under Section 319 Cr.P.C. He submitted that the petitioner being an adult, the Juvenile Justice Board had got no jurisdiction to summon the petitioner as an additional accused. He further submitted that be that as it may, against the order of summoning dated 14.1.2020 Annexure P-3, the petitioner had infact filed an appeal before the learned Sessions Judge, Amritsar vide Annexure P-6. He submitted that even during the pendency of the aforesaid appeal, the learned Additional Sessions Judge, Amritsar has framed charges against the petitioner. He further submitted that firstly once the proceedings under Section 319 Cr.P.C. are initiated were without

jurisdiction then all the subsequent proceedings including the framing of charges are bad in law. Secondly, once a statutory appeal is pending against the summoning order itself before the learned Sessions Judge, the charges could not be framed without considering and deciding the aforesaid appeal.

The learned counsel for the petitioner during the course of arguments has submitted that at this stage he only confines the scope of the present petition to the extent that direction be issued to the learned Sessions Judge, Amritsar for considering and deciding her appeal vide Annexure P-6 in accordance with law.

Notice of motion.

Mr. Amit Rana, Sr. Deputy A.G., Punjab accepts notice on behalf of the State of Punjab and has submitted that in view of the factual position he has no objection in case necessary direction is issued to the learned Sessions Judge, Amritsar for considering and deciding the appeal filed by the petitioner vide Annexure P-6 in accordance with law and within a time frame work.

I have heard the learned counsels for the parties.

The learned counsel for the petitioner during the course of arguments at this stage has confined the scope of the present petition only to the extent of seeking a direction to the learned Sessions Judge, Amritsar to consider and decide her appeal Annexure P-6 whereby she has challenged the order passed by the learned Juvenile Justice Board by which she has been summoned as an additional accused under Section 319 Cr.P.C.

This Court is of the view that the appeal is required to be decided promptly and in view of the same it is directed that the learned Sessions Judge, Amritsar shall consider and decide Annexure P-6 which is an appeal filed by the petitioner as expeditiously as possible preferably within a period of two months from today.

It is made clear that the direction issued in the present petition only pertains to a limited extent of directing the learned Sessions Judge, Amritsar to consider and decide the appeal but it will not be deemed to be any kind of observation on the merits of the case.

Disposed of.

August 31, 2022

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(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No