

116 THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-51464-2022

Date of Decision: 22.12.2022

BALBIR SINGH AND ANR

...Petitioners

V/s

STATE OF PUNJAB AND ORS

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Himmat Singh Sidhu, Advocate
for the petitioners.

DEEPAK MANCHANDA J.(ORAL)

This petition has been filed under Section 482 of Cr.P.C. seeking the setting aside of the order dated 03.03.2022 (Annexure P-3) whereby the revision petition filed by the petitioners was dismissed in default.

Learned counsel for the petitioner submits that order dated 03.03.2022 passed by the Additional Sessions Judge vide which revision petition filed by the petitioners has been dismissed in default due to non-appearance of the counsel and it is well settled that litigant should not suffer due to mistake of his/her counsel.

Notice of motion.

Mr. Jaspal Singh Guru, AAG Punjab is present in the Court and accepts notice on behalf of the State of Punjab.

After hearing the learned counsels for the parties and perused the order impugned.

The point for consideration in the present petition is whether the Additional Sessions Judge was justified in dismissing the revision in default without deciding the revision on merits since the matter relates to the administration of criminal justice and as per settled law the said matter cannot be dismissed in default as it relates to administration of the justice and must be decided on merits. Further, dismissing the criminal revision in default is not a

judgment within the meaning of Section 362 of Cr.P.C. and is an order only,

therefore Section 362 of Cr.P.C. does not bar the inherent jurisdiction of this Court to restore the said criminal revision to secure the ends of justice.

Hence, this petition is allowed and the order dated 03.03.2022 (Annexure P-3) passed by the Additional Sessions Judge, SBS Nagar is set aside as the Court was manifestly in error in rejecting the revision petition in default and the same should have been decided on merits. The revision petition is restored to its original number for hearing and disposal on merits in accordance with law expeditiously.

(DEEPAK MANCHANDA)
JUDGE

December 22, 2022
Ajay Goswami

Whether reasoning given	Yes
Whether reportable	Yes/No