

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-54809-2022 (O&M)
Date of decision: 12.12.2022

R.K. Joshi

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present: Mr. R.K. Joshi-petitioner in person.

Mr. Navneet Singh, DAG, Punjab.

ARVIND SINGH SANGWAN, J.

Prayer in this petition is for quashing of kalandra filed vide rapat No.33 dated 07.06.2017, CHI No.322/17 dated 05.09.2017 and all the consequential proceedings arising therefrom.

Noticing the fact that the petitioner has also filed a Criminal Revision Petition before the Court of Sessions challenging the order dated 05.09.2017 passed by the trial Court, summoning him in the aforesaid kalandara under Section 182 IPC, a report was sought from the Additional Sessions Judge, SBS Nagar to explain the delay in disposal of the revision petition.

In compliance of the order dated 29.11.2022, the Additional Sessions Judge, SBS Nagar has submitted a report and the same reads as under: -

“It is humbly submitted that present revision petition tilted as ‘RK Joshi Vs. State and others’ bearing CRR No.41 of 2017 was pending in the Court of Ms. Manisha Jain, learned Additional Sessions Judge, SBS Nagar and same was already fixed for 17.12.2022. However, on withdrawal of Court of Ms. Manisha Jain, learned Additional Sessions Judge, SBS Nagar, the said revision petition has been transferred to this Court vide order dated 5115/DSJ-5, dated 21.11.2022 passed by learned District & Sessions Judge, SBS Nagar.

However, perusal of record reveals that after securing the presence of parties, revision petition was fixed for arguments and most of the time, adjournments were sought by learned counsel appearing on behalf of revisionist for addressing arguments. Thereafter, due to pandemic of Covid-19, the parties did not appear in the present revision petition for a long time. Further, on transfer petition filed by revisionist, proceedings before the Trial Court was stayed by Hon’ble Supreme Court of India. Vide order dated 06.09.2022, said transfer petition was disposed of by Hon’ble Supreme Court of India. Now, revision petition is fixed for 17.12.2022 for arguments and on that day, same shall be put up before undersigned for the first time. However, it is assured that sternous efforts shall be made to dispose of the present revision petition expeditiously.”

The petitioner, who is appearing in person, has referred to a

judgment of the Hon'ble Supreme Court in **Prabhu Chawla Vs. State of Rajasthan and another, Crl. Appeal No.842 of 2016, arising out of SLP (Crl.) No.3314 of 2009, decided on 05.09.2016**, to submit that jurisdiction of the High Court and that of the Court of Sessions is concurrent and there is no bar for entertaining the petition under Section 482 Cr.P.C., however, the said judgment will not apply in the present case, as the petitioner is availing two remedies for the same relief; first before the Court of Sessions, where for the last 05 years, the petition is pending and as per the aforesaid report, it is the petitioner, who is taking dates and secondly, for the same remedy, he has filed the present petition under Section 482 Cr.P.C.

In view of the above, this petition is disposed of with a clear direction to the revisional Court to dispose of the revision petition on or before 10.01.2023, as it is stated at Bar that the petitioner has already submitted written arguments.

It is made clear that even if the petitioner or any other party is not appearing, the Court will decide the revision petition on merits.

Liberty is granted to the petitioner to file afresh, if any adverse order is passed against him.

[ARVIND SINGH SANGWAN]
JUDGE

12.12.2022
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Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No