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

CRM-M-56095-2022

Date of Decision: December 02, 2022

Ekta

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr.V.K.Gupta, Advocate
for the petitioner.

.....

RAJESH BHARDWAJ, J.(ORAL)

Prayer in the present petition is for quashing of impugned order dated 04.10.2022, Annexure P-6, vide which application for restoration of CRR-125-2021 was dismissed and order dated 07.09.2022 vide which CRR-125-2021 was dismissed for non-prosecution.

It has been submitted that the petitioners have filed the criminal revision petition before the Additional Sessions Judge, Karnal, however as counsel for the petitioner noted a wrong date, he could not appear on the date adjourned and thus, revision petition was dismissed for non-prosecution by learned Additional Sessions Judge, Karnal, vide its order dated 07.09.2022. He submits that the petitioner filed an application on the same day for restoration of the criminal revision, however the same was declined by learned Additional Sessions Judge vide impugned order dated 04.10.2022 holding the same to be not maintainable. He submits that revision petition filed by the petitioner has not been dealt by revisional Court on merits and the same has been dismissed for non-prosecution and thus, he would suffer

an irreparable loss and injury if the same is not heard on merits. He submits that revision petition be restored and be heard on merits.

Heard.

There is no gain saying that the petitioner has filed a revision petition impugning the order wherein the learned Court had granted bail to respondent No.2. However, this Court finds that the petitioner should be awarded an opportunity to put forward his case on merits and the same deserves to be decided thereafter.

Keeping in view that the petitioner has a right to plead his case on merits, his right of natural justice has been adversely affected, the Court is of the opinion that both the impugned orders deserve to be set aside and the petitioner should be heard on merits.

Resultantly, the petition is allowed. Both the impugned orders are set aside. The revisional Court is directed to restore the revision petition at its original number and decide the same on merits after affording an opportunity of being heard to the petitioner in accordance with law.

December 02, 2022
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(RAJESH BHARDWAJ)
JUDGE

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| 1. | Whether speaking/reasoned ? | Yes/No |
| 2. | Whether reportable ? | Yes/No |