

2023:PHHC:109557

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

253

**CRR-130-2021
Date of Decision.:22.08.2023**

Raghavan Sidharthan

Petitioner

Vs.

State of Punjab and Another

Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr. Yogesh Goel, Advocate with
Ms. Gurkarman Kaur Ahluwalia, Advocate
for the petitioner.

Mr. Parneet Singh Pandher, AAG, Punjab.

Mr. B.S. Khehar, Advocate for
respondent No.2.

DEEPAK GUPTA, J. (ORAL)

During the trial of case FIR No.51 dated 03.03.2015 registered at Police Station Shimlapuri, Ludhiana under Sections 420, 451, 365, 380, 182, 120-B of the IPC, respondent No.2 was summoned vide order dated 23.10.2019 under Section 319 Cr.P.C. on an application moved by the petitioner- complainant through learned APP.

However, in the revision filed by respondent No.2, the order passed by the Trial Court was set aside by the Court of sessions vide impugned order dated 27.11.2020 which has been assailed by the petitioner- complainant before this Court.

The only ground raised by the learned counsel for the petitioner is that he was not heard before passing the impugned order, which was the requirement of Section 399(2) to be read with Section 401 Cr.P.C.

Learned counsel for respondent No.2 has no objection if the Sessions Court is directed to pass fresh order after hearing the petitioner through his counsel.

As such, impugned order dated 27.11.2020 is hereby set aside.

Matter is remanded back to the concerned Court of learned Additional Sessions Judge with the direction to hear the petitioner-complainant personally or through his counsel and then decide the revision.

It is made clear that this order is without any prejudice to the merits of the case.

Disposed of.

(DEEPAK GUPTA)
JUDGE

August 22, 2023
Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No