

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

212

CRM-M-15600-2022
Date of Decision: 07.02.2023

Pritpal Singh Gill and another Petitioners
Versus

State of Punjab and another Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present:- Mr. P.S. Ahluwalia, Advocate for the petitioners.
Mr. Virat Rana, AAG, Punjab.
Mr. J.S. Lalli, Advocate for respondent No. 2.

ANOOP CHITKARA, J. (ORAL)

The limited ground for which the petitioners have come up before this Court was recalling of the order passed by the concerned Magistrate which was barred under Section 362 Cr.P.C.

Vide order dated 12.03.2022 while presiding the National Lok Adalat, the concerned Judicial Magistrate sent the matter for further investigation.

On the same date, the matter was placed before him in the capacity of Judicial Magistrate Ist Class, Patiala, wherein he corrected the typographical error in the order whereby 308 IPC was corrected as 380 IPC and after that Magistrate on the same date, proceeded further and ordered for investigation.

It is apparent that the Magistrate was continuing his order as a Presiding Officer of the Lok Adalat and matter was not placed before him for reinvestigation in the capacity of a Judicial Magistrate.

Given above, the present petition stands allowed and the impugned order is set aside. Matter is remanded back to the concerned Judicial Magistrate and he is directed to pass a fresh order on the cancellation report in accordance with law. It is clarified that no adjournment shall be given unnecessarily in the proceedings before the trial Court.

(ANOOP CHITKARA)
JUDGE

07.02.2023/Jyoti-II

JYOTI
2023.02.09 16:04
I attest to the accuracy and
integrity of this order/judgment.

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No