

Neutral citation No.:2023:PHHC:062747
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

107

CRR-1063-2023

Date of Decision: 02.05.2023

Pawan Kumar

....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM:HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Amit Arora, Advocate for the petitioner.

Mr. H.S. Sitta, DAG, Punjab.

ANOOP CHITKARA, J.

1. Present petition has been filed by challenging the order dated 15.02.2023 passed by the learned Chief Judicial Magistrate, Tarn Taran, vide which the application u/s 319 CrPC to summon respondent No.2, was dismissed.

2. Petitioner's counsel submits that one of the order dated 05.01.2019, which has attained finality, inadvertently was not challenged, in the belief that it is interlocutory, as such, the present revision petition is not maintainable and he wants to withdraw the present petition with liberty to challenge the order dated 05.01.2019 along with order dated 15.02.2023 by filing petition under Section 482 CrPC.

3. Given above, the present petition is disposed of as withdrawn with liberty to challenge the order dated 05.01.2019 and 15.02.2023 by filing a fresh petition under Section 482 CrPC. It is clarified that the time for which the present petition was pending, shall not be counted for the purpose of limitation while considering the period of limitation. However, the petitioner shall have to give reasons for delay qua rest of the period, in challenging the order. Pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

02.05.2023

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Whether speaking/reasoned
Whether reportable?

Yes/no
Yes/no