

2023:PHHC:145229

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

Sr. No. 280

CRR-2595-2015 (O&M)
Date of Decision-15.11.2023

RAMANDEEP SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present:- Mr. S.P. Garg, Advocate for the petitioner.

Mr. Madhur Sharma, AAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. The present revision is directed against the judgment of conviction and order of sentence dated 17.10.2014.

2. Learned counsel for the petitioner, at the outset, contends that the learned trial Court has proceeded to pass the impugned judgment of conviction by totally ignoring the mandate of Article 21 of Constitution of India and the appellant has been condemned in derogation of procedure prescribed in the law. Learned counsel for the petitioner has referred to the statement of the petitioner recorded by the learned Additional Sessions Judge on 17.10.2014, the relevant portion is reproduced as under:-

State of accused Ramandeep Singh.

Question: Have you heard and understood the Charge-sheet?

Answer: Yes?

Question: Do you plead guilty or claim trial?

Answer: I do not plead guilty and claim trial.

*Sd/- Ramandeep Singh
17.10.2014RO&AC*

*Sd/-dated
(Rajnish Garg)
Additional Sessions Judge/Judge Special Court
Patiala*

3. Learned counsel for the petitioner further relies upon the charge-sheet dated 17.10.2014 in which the charges under Section 15 of the Narcotic Drugs & Psychotropic Substances, Act 1985 was framed against the petitioner and he has categorically stated that he does not plead guilty and claim trial. In spite of the categorical assertions made by the petitioner, the learned trial Court has convicted the petitioner on the same date i.e. 17.10.2014 by recording that the petitioner has pleaded guilty and did not claim trial. The para No.5 is reproduced as under:-

Finding prima facie case against accused, he was charge-sheeted under Section 15 of the Act, to which he pleaded guilty and did not claim for trial.

4. Learned counsel for the petitioner contends that a great prejudice has been caused to the petitioner by convicting him in such a manner which is alien to the procedure prescribed and he has been denied an opportunity to defend himself.

5. Keeping in view the facts and circumstances of the case and also the fact that learned State counsel has not been able to controvert the factual position and the fact that the trial Court in para 5 of the judgment has recorded that the petitioner has pleaded guilty which is contrary to his statement made at the time of framing of charges, the present petition is allowed by setting aside the judgment of conviction and order dated 17.10.2014 passed by Ld. Special Court, Patiala.

6. The case is remanded to the Court of learned Additional Sessions Judge/Judge Special Court, Patiala for deciding the case on merits in accordance with law by following the procedure prescribed under Code of Criminal Procedure.

7. Disposed of.

(HARPREET SINGH BRAR)
JUDGE

15.11.2023

yogesh

Whether reasoned / speaking? Yes / No
Whether reportable? Yes / No