

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2023:PHHC:129334

CRM-7253-2023 in/and
CRR-4858-2015 (O&M)
RESERVED ON: 17th FEBRUARY, 2023
PRONOUNCED ON: 27th SEPTEMBER, 2023

SATYABHAN

...PETITIONER

VERSUS

STATE OF HARYANA AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: None.

SANDEEP MOUDGIL, J.

1. There is a circular issued to the effect that Punjab & Haryana High Court Bar Association has resolved to suspend the work today i.e. 27.09.2023.
2. The instant revision petition was preferred against the order dated 26.11.2015 passed by Additional Sessions Judge, Bhiwani declaring the respondent as juvenile in conflict with law.
3. During the course of hearing on 10.03.2016, to examine the original certificate regarding date of birth, which was considered for deciding the status of the petitioner as juvenile, the record of Lower Court was summoned for 29.04.2016. Thereafter, on October, 5th 2016 an order was passed calling for the comments of the Juvenile Justice Board, Bhiwani to explain in what circumstances he proceeded to decide the case in the face of the interim order dated 28.05.2016.

4. It would be pertinent to record here that the proceedings before the Lower Court were allowed to continue, but passing of final judgment was stayed on 28.05.2016.

5. On 30.08.2017, this Court perused the report/comment sent by the Principal Magistrate, Juvenile Justice Board, Bhiwani to the effect that the interim order dated 28.05.2016 were not received by it regarding passing of final judgment and thereafter, District & Sessions Judge, Bhiwani was directed to enquire into the matter as to whether his office or the office of Juvenile Justice Board has received the interim order dated 28.05.2016 and 16.08.2016 passed by this Court or not. The Registrar (Judicial) was directed to conduct an inquiry on that aspect and direction was given to fix the responsibility of the concerned official at fault, if these orders were not sent.

6. In pursuance thereof an inquiry was conducted by the Registrar (Judicial) through Joint Registrar (J &C), who recorded that the copy of order dated 28.05.2016 was sent to the District & Sessions Judge, Bhiwani, Additional District & Sessions Judge, Bhiwani and Sub-Divisional Magistrate through g-mail (copy of the said e-dockets), which was duly signed by the Superintendent, Criminal Branch.

7. The detailed inquiry report dated 11.09.2017 has been submitted to this Court with the finding that e-dockets received by the office of District & Sessions Judge, Bhiwani were not forwarded to the Principal Magistrate, Juvenile Justice Board, Bhiwani and on that account Shri Sanjeev Kumar-III, Senior Assistant was held responsible for that lapse, who sent the e-dockets only to the District & Sessions Judge, Additional District & Sessions Judge and Sub-Divisional Judicial Magistrate, but not to the

Principal Magistrate, Juvenile Justice Board, Bhiwani.

8. From the perusal of the said report, it is clear and no doubt is left that Principal Magistrate, Juvenile Justice Board, Bhiwani has proceeded on the premise that there is no interim order and passed the final judgement granting acquittal vide judgment/order dated 14.09.2016.

9. Since, responsibility has been fixed upon the Sanjeev Kumar-III, Sr. Assistant and inquiry stands concluded, as was directed by this Court vide order dated 30.08.2017 with the finding that Principal Magistrate, Juvenile Justice Board had not received the interim order dated 28.05.2016 passed by this Court.

Since the respondent No.2 stands acquitted by the Principal Magistrate, Juvenile Justice Board vide order dated 14.09.2016, the proceedings as on date stands concluded and that order has been assailed by the applicant-petitioner vide CRM-30884-2016, but vide instant application bearing No. CRM-7253-2023, a prayer has been made under Section 482 Cr.P.C., for permission to withdraw the CRR-4858-2015 & CRM-30884-2016 urging that the applicant-petitioner does not want to pursue the petition as well as the said application and, therefore, seeks indulgence of this Court to allow the present application.

10. Be that as it may, the inquiry stands concluded as was directed by this Court and the same has been perused, wherein no further proceedings are left to be monitored by this Court and on merits of the case, the applicant-petitioner does not want to pursue the revision petition as well as the application challenging the order of acquittal dated 14.09.2016, it is apparent to the mind of this Court that no prejudice would be caused to

either of the parties and in fact would put at rest multifarious round of litigation among the parties to the present case, the application is allowed and the applicant-petitioner is permitted to withdraw the same.

CRR-4858-2015 & CRM-30884-2016

Hence, it is ordered to be dismissed as withdrawn.

27.09.2023

Meenu

(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>