

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-31154-2019 (O&M)
Date of Decision:-10.3.2023

Yatinder Kumar

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Ajay Kumar Gupta, Advocate for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana,
assisted by ASI Sanjay.

GURVINDER SINGH GILL, J. (Oral)

1. The instant petition was filed by petitioner Yatinder Kumar for expunging the adverse remarks in para No.80 of the impugned judgment dated 9.9.2016 (Annexure P-1) passed by learned Additional Sessions Judge, Gurgaon and for quashing all the consequential proceedings arising out of the such impugned adverse remarks.
2. A few facts necessary to notice are that one Ramesh Chand was tried by the Court of Shri R.P. Goyal, Additional Sessions Judge, Gurgaon in respect of a case registered vide FIR No.18, dated 9.3.2006 at Police Station SVB, Gurgaon, under Sections 420, 467, 468, 471, 120-B of Indian Penal Code and Section 13(1) of Prevention of Corruption Act, 1988. The aforesaid Ramesh Chand was held guilty by the Trial Court vide judgment dated

9.9.2016 (Annexure P-1). The Trial Court in its concluding para No.80 made the following observations :

“Before parting with this judgment, I would like to comment on the sorry state of affairs that the big fish succeed in getting themselves escaped from the consequence of their misdeeds but if Tehsildar Yatinder Kumar has succeeded in escaping from the consequence of his misdeeds and has not faced the trial, it does not mean that the cognizance against Yatinder Kumar Chokar, Tehsildar cannot be taken for the offence done by him in collusion with Ramesh Chand, Patwari and the then the Director of Ardee City Company. Thereafore, the copies of this judgment would be sent to DGP, Haryana for taking cognizance of the offences for which accused Ramesh Chand, Patwari was challaned and charge sheeted by the Court, if the State government so desires.”

3. The petitioner Yatinder Kumar (Tehsildar) assailed the aforesaid remarks by way of filing the instant petition as pursuant to the said remarks, he had been proceeded against and a challan had been filed and charges also came to be framed against him. Para No.3 of reply dated 30.7.2020 filed by State is reproduced hereinunder:

“3. The Hon’ble trial Court in its judgment dated 9.9.2016 directed that the copies of judgment be sent to DGP, Haryana for taking cognizance of the offences for which accused Ramesh Chand, Patwari was challaned and charge sheeted by the Court, if the State Govt. so desires. After this the concerned department reconsidered the matter and on the basis of all material (including fresh material) grant prosecution sanction against the petitioner on dated 06/05/2019. The challan against the petitioner was presented before the Hon’ble trial Court on dated 09.05.2019. The Hon’ble trial Court has taken cognizance, framed charges

against the petitioner accused and now the case is at the stage of prosecution evidence. Next date of hearing is 19/08/2020 for PWs.”

4. On the last date of hearing, learned counsel representing the petitioner had informed that the petitioner had expired and consequently the State had been directed to verify the aforestated position.
5. Short reply by way of affidavit of Shri Satender Kumar, HPS, Deputy Superintendent of Police, Anti Corruption Bureau, Gurugram alongwith death certificate of the petitioner has been filed by learned State counsel, which is taken on record.
6. Learned State counsel, upon instructions from ASI Sanjay, has informed that the aforesaid factum as regards death of the petitioner has been verified and found to be correct.
7. In view of the aforestated position, the instant petition would not survive inasmuch as the proceedings pursuant to remarks recorded in para No.80 of the impugned judgment dated 9.9.2016 (Annexure P-1) passed by learned Additional Sessions Judge, Gurgaon would abate and would be required to be dropped on account of death of the accused.
8. The instant petition, as such, is disposed of having been rendered infructuous.

10.3.2023

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No