

CRM-M-37450-2023 (O & M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-37450-2023 (O & M)

Date of Decision: 03.08.2023

M/s Mainkaran Sales and anr.

... Petitioners

Versus

Vivek Gupta

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. S.S. Behl, Advocate,
for the petitioners.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 482 Cr.P.C. is for the issuance of directions to the Additional Sessions Judge, Ludhiana to decide the appeal No.26/2017 (Annexure P-6) pending before it for 11.08.2023 after the decision of the application under Section 391 Cr.P.C. (Annexure P-7) dated 20.09.2022.

2. The learned counsel for the petitioners contends that despite the application under Section 391 Cr.P.C. having been made on 20.09.2022, no order has been passed thereon. He contends that there is a possibility that the Appellate Court would proceed to decide the main case without deciding the application under Section 391 Cr.P.C. which would cause serious prejudice to the petitioners/appellants.

3. I have heard the learned counsel for the petitioners.

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4. Given the fact that the application under Section 391 Cr.P.C. would have a material bearing on the decision of the appeal, therefore, it would be just and proper if the said application is decided before taking a decision on the aforementioned appeal.

4. The present petition is disposed of with the aforementioned directions.

(JASJIT SINGH BEDI)
JUDGE

August 03, 2023

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Whether speaking/reasoned:- Yes/No

Whether reportable:-

Yes/No