

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

128-2

Date of decision: 10.04.2024

1. CRM-M-10133-2019 (O&M)

PARVEEN CHOPRAPetitioner

Versus

M/S SATYAM INDUSTRIES PVT LTD THROUGH ITS DIRECTOR ...Respondent

2. CRR-2862-2023 (O&M)

PARVEEN CHOPRAPetitioner

Versus

M/S SATYAM INDUSTRIES PVT. LTD ...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. S.K. Narwana, Sr Advocate with
Mr. Sukesh Kumar Jindal, Advocate
for the petitioner.

Mr. Ashwani Talwar, Advocate
for the respondent.

KULDEEP TIWARI. J.(Oral)

1. Since both these petitions are filed by the same petitioner, and the grievance raised in both the petitions are similar, therefore, both the petitions are amenable to be decided together.

2. The petitioner has thrown challenge to the order dated 10.04.2018, (Annexure P-3), passed by the Sub-Divisional Magistrate, Gohana, in Criminal

Complaint/Protest Petition No.COMI/25/2016, dated 11.05.2016, whereby, the petitioner has been summoned as an accused under Section 420, read with Section 120-B of IPC, or Section 406 of IPC, and all the subsequent proceedings arising therefrom.

3. During the pendency of the instant petition, the petitioner along with other co-accused, has preferred an application for discharge, which was dismissed vide order dated 18.09.2023, and the learned trial Court concerned, proceeded to frame the charges against the present petitioner, and other co-accused. Satish Kumar Chugh, and other persons, have preferred statutory revision against the order, whereas, the present petitioner has filed the petition CRR-2862-2023, before this Court against the same order.

4. Learned Senior counsel for the petitioner has vociferously addressed the arguments, with regard to the maintainability of the present petition, and submits that this Court has concurrent powers, and therefore, the revision petition against the order of framing of charge is maintainable, before this Court. Learned Senior counsel for the petitioner further submits that since the petition for challenging the summoning order has already been pending, therefore, the petitioner has every right to file the instant revision petition against the order of framing of charge, before this Court.

5. Though the application for discharge has been preferred by the co-accused of the petitioner, however, at the time of final arguments, the counsel for the petitioner(s) has also made an oral request, to consider their case of discharge, but that application was declined. This Court has considered the argument as made by learned Senior counsel, however, is unable to accept the same, for the simple

reason that the order of framing of chargesheet, as well as the order for discharge is a revisable order, and one of the co-accused has already preferred the statutory revision, therefore, in order to avoid any conflict, this Court refrains to exercise its powers under Section 482 Cr.P.C, and relegate the present petitioner to the Revisional Court concerned. However, he is at liberty to maintain the statutory revision petition by making appropriate motion, in case the petitioner files an appropriate motion before the learned Revisional Court concerned, within one month from today, the learned Revisional Court concerned, shall sympathetically consider the delay occurred in filing the statutory revision before it.

6. The petitioner is also at liberty to make an appropriate application for stay of proceedings of the trial, before the statutory authority concerned, and in case such application is filed, along with revision petition, the learned Revisional Court concerned, shall make all endeavor to decide such application, most expeditiously.

7. Accordingly, both the petitions are **disposed** of.

10.04.2024
amandeep

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No