

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

263

CRR-3821-2015

Date of decision:- 13.02.2024.

Shyamo Devi

...Petitioner

Versus

State of Haryana and Ors.

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present :- Mr. A.P.S. Nain, Advocate
for Mr. Vikrant Hooda, Advocate
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG Haryana.

Mr. Vishal Khatkar, Advocate
for Mr. Sumit Gupta, Advocate
for respondent Nos.2 and 3.

PANKAJ JAIN, J. (Oral)

1. LR's of the complainant is in revision in FIR case No. RBT-342 of 2008, FIR No.13 dated 16.01.2008, under Section 420 and 120-B of IPC at Police Station Sadar, Bahadurgarh registered on the behest of father of the petitioner Sumer Singh, respondents were booked. Learned counsel for the petitioner submits that on for solitary default on behalf of the petitioner, appellate Court invoked Section 256 and dismissed the appeal for non-prosecution.
2. Learned counsel for the respondent Nos.2 and 3 submits that earlier, application for restoration was filed which was withdrawn but without seeking any liberty to file any revision.
3. Having heard counsel for the parties after going through records of the case, in the considered opinion of this Court, the appeal ought not have been dismissed for want of prosecution for single default

on behalf of the petitioner and so far as the objection are concerned, non-grant of liberty is concerned, order dated 21.07.2015 is explicit which reads as under:-

“Vide separate statement of Sh. Rakesh Kumar, Ld. Counsel for the appellant. Application for restoration of appeal is dismissed as withdrawn with liberty to file the fresh appeal or application in the concerned court File be consigned to record-room, after due compliance.”

- 4. Perusal thereof reveals that the application for restoration was dismissed as withdrawn with liberty to file fresh appeal/application.
- 5. In view of the above, appeal is ordered to be restored to its original number. Parties are directed to appear before the trial Court on or before 26.02.2024.
- 6. Accordingly instant petition stands disposed off.

(PANKAJ JAIN)
JUDGE

13.02.2024
spn

Whether speaking/reasoned : Yes
Whether Reportable : No