

CRR-3729-2018

2024:PHHC:070589



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRR-3729-2018
Date of Decision: 18.05.2024

JAGDISH SINGHPetitioner

Vs

STATE OF PUNJAB AND OTHERS ...Respondents

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. H.K. Brinda Advocate,
for the petitioner.

Mr. Jaspal Singh Guru, AAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. By way of instant revision petition, the petitioner has assailed the judgment of acquittal passed by Lower Appellate Court, dated 11.09.2018, wherein despite of well reasoned conviction order passed by the trial Court vide order dated 28.02.2018, against Harey Ram and Kamal Singh i.e. respondents No.2 and 3 respectively, the learned Appellate Court has reversed the order of conviction.
2. Learned counsel for the petitioner submits that the judgment of conviction has been reversed by the Lower Appellate Court without even issuing notice to the present petitioner/complainant and without given any opportunity of hearing.
3. A perusal of the judgment passed by the Additional Sessions Judge, Rupnagar which further do not indicate *qua* any attempt made to serve the present petitioner/complainant before passing the said judgment except notice of the

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appeal to the State through Mr. Ravi Sareen, Additional P.P. who appeared on behalf of State of Punjab.

4. In the light of the above, this Court is duly convinced that the complainant was required to be issued a notice during the adjudication by the Lower Appellate Court. Since, no opportunity has been provided to the complainant at the time of granting judgment of acquittal by the Additional Sessions Judge, Rupnagar. The same substance from material infirmity which warrants interference of this, the same is accordingly set aside.

5. However, the matter is remanded back to the Lower Appellate Court i.e. Additional Sessions Judge, Rupnagar for adjudicating the matter afresh after putting the State as well as the complainant/petitioner namely Jagdish Singh at notice for the date of hearing so affixed.

6. It is also expected from the Lower Appellate Court that afresh adjudication is made within a period of three months from the date of receipt of certified copy of this order.

7. Accordingly, petition stands allowed.

18.05.2024

Jyoti Thakur

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No