



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

120

**CRM-M-35528-2024 (O&M)
Date of Decision:- 12.09.2024**

SORAN SHARMA AND ANR

....Petitioner(s)

Versus

AKASH VERMA AND ANR

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Gautam Dutt and Mr. Amit Arora, Advocates
for the petitioners.

SANJIV BERRY, J. (ORAL)

1. The present petition has been filed under Section 482 CrPC seeking quashing of impugned order dated 20.05.2024 (Annexure P-5), whereby the learned Additional Sessions Judge, Bhiwani, had set aside the order dated 02.07.2018 (Annexure P-2) passed by learned Judicial Magistrate First Class, Bhiwani, dismissing the application preferred by the complainant under Section 216 CrPC for correction of error in the charge.

2. Learned counsel for the petitioners has placed on record the copy of the chargesheet dated 12.04.2016 and *inter alia* submits that charges in the present case was framed way back on 12.04.2016 and at the fag end of the trial, on an application moved by the complainant for correction of the charge, the learned Magistrate passed the order dated 02.07.2018 (Annexue P-2) dismissing the application, however, the learned Revisional Court vide



order dated 20.05.2024 (Annexure P-5) remanded the matter back to the trial Court for deciding the application afresh but mentioned to do so in view of the impugned judgment.

3. After arguing for some time, learned counsel for the petitioners seeks withdrawal of the petition with liberty to take up all the pleas taken in the present petition before the learned trial Court at the time of consideration of the application under Section 216 CrPC.

4. In view of the submission, the present petition stands dismissed as withdrawn at this stage with aforesaid liberty.

5. Needless to say that, it will be open for the learned trial Court to decide the application under Section 216 CrPC taking into consideration the facts and circumstances thereof in the light of relevant provisions of law.

(SANJIV BERRY)
JUDGE

12.09.2024
S.Sharma(syr)

- | | | |
|-----|----------------------------|--------|
| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |