

2024:PHHC:155825



116 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-33605-2024  
DECIDED ON: 17.07.2024

GURJIT KAUR AND ANOTHER

.....PETITIONERS

VERSUS

STATE OF PUNJAB & ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Atul Goyal, Advocate  
for the petitioners.

SANDEEP MOUDGIL, J

1. The jurisdiction of this Court under Section 482 Cr.P.C. has been invoked with a prayer to consolidate/club two criminal appeals i.e. CRA-81-2020, dated 28.07.2020 titled as “State of Punjab Vs. Gurjit Kaur and another” (Annexure P-4) pending before Additional Sessions Judge, Kapurthala and CRA-70-2020, dated 18.03.2020, titled as “Asha Rani Vs. Gurjit Kaur and others” (Annexure P-2) pending before Sessions Judge, Kapurthala.

2. Both the afore-said appeals have been preferred against the judgment of acquittal dated 16.01.2020 (Annexure P-1) passed by Judicial Magistrate Ist Class, Phagwara vide which the petitioners were acquitted in case FIR No. 98, dated 14.07.2005, under Sections 406, 420 and 120-B IPC,

registered at Police Station Sadar Phagwara, District Kapurthala.

3. It has been contended by learned counsel for the petitioners that two appeals were filed against the petitioners, which led them to move an application on 07.05.2022, requesting that both appeals be clubbed. On 31.05.2022, the Addl. PP for the State had given no objection to this transfer application. As a result, the appeal filed by the State i.e. CRA-81-2020 was transferred to the Court of Mr. Rakesh Kumar Sharma, Additional Sessions Judge, Kapurthala. Thereafter, respondent No.2-Asha Rani moved another application to transfer appeal preferred by her from the court of Sh. Rakesh Kumar, Additional Sessions Judge, Kapurthala. The petitioners did not object to this application, hoping that both the matters would be transferred to the Court District and Sessions Judge, Kapurthala. However, on 29.11.2023, only one appeal i.e. CRA-70-2020 titled as **“Asha Rani Vs. Gurjit Kaur and others”** was transferred to the Court of District and Sessions Judge, Kapurthala. Now again both the appeals are once again being listed before separate courts and are pending adjudication in different courts. Hence, prayed for clubbing both the appeals together as the same are arising out of the common judgment of acquittal dated 16.01.2020.

4. Notice to the respondent-State only at this stage.

5. Mr. Rajiv Verma, DAG, Punjab appearing on advance notice, accepts the same and submits that no prejudice is being caused to either of the parties, in case both the appeals are clubbed together.

6. Heard.

7. On perusal of the case file, it is evident that the parties involved in both the cases are identical and common question of law and facts are also involved in both the appeals. Moreover, both the appeals are arising out of

same judgment of acquittal dated 16.01.2020 (Annexure P-1). Further more, this consolidation will facilitate joint consideration and disposal of the appeals, promoting efficiency and consistency in the adjudication process.

8. Pursuant to the parties being identical and the appeals stemming from the same judgment of acquittal, this Court hereby, orders the consolidation of both the appeals for joint consideration and disposal. It is further ordered that both the appeals are to be heard and listed before the District and Sessions Judge, Kapurthala.

9. Disposed off, accordingly.

(SANDEEP MOUDGIL)  
JUDGE

17.07.2024  
*sham*

*Whether speaking/reasoned :* Yes/No  
*Whether reportable :* Yes/No