



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

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CRR-492-2024 (O&M)
Date of decision: 04.03.2025

Sonu Kamboj

.....Petitioner

Versus

HDFC Bank Ltd.

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. K.S. Brar, Advocate
for the petitioner.

Mr. Saurabh Bhardwaj, Advocate
for the respondent-bank.

MANJARI NEHRU KAUL, J.

CRM-10928-2024

For the reasons mentioned in the application, the same is allowed and delay of 45 days in filing the revision petition is condoned.

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1. The petitioner has approached this Court assailing the judgment and order dated 21.11.2023, passed by the learned Sessions Judge, Fazilka, whereby the appeal preferred by the petitioner was decided in his absence, as well as in the absence of his counsel, and the judgment of conviction and order of sentence dated 08.06.2023 passed by learned Judicial Magistrate 1st Class, Abohar, was upheld. It is contended by learned counsel for the petitioner that such adjudication, in violation of the principles of natural justice, has caused serious prejudice to the petitioner.



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2. Learned counsel for the petitioner has further vehemently contended that the learned Trial Court and learned Appellate Court failed to appreciate the glaring discrepancies and contradictions in the case of the prosecution, which raised serious doubts about the case as projected against the petitioner. It has been further argued that the prosecution has not been able to prove its case beyond reasonable doubt, and yet, the learned Appellate Court proceeded to dismiss the appeal without properly appreciating the evidence on record.

3. The learned counsel for the petitioner has also submitted that the punishment awarded to the petitioner is disproportionate to the nature and gravity of the alleged offence, especially given that the petitioner is not a previous convict. Learned counsel has, therefore, submitted that the impugned order passed by the learned Appellate Court in the absence of the petitioner be set aside and the matter and the learned Appellate Court be directed to decide the appeal after affording an opportunity of hearing to the petitioner. The counsel for the petitioner undertakes that the petitioner shall deposit 20% of the compensation amount imposed upon him before the learned Trial Court.

4. *Per contra*, learned counsel for the respondent-bank has strongly opposed the contentions advanced by the counsel for the petitioner and submitted that although appeal was decided in the absence of the petitioner and his counsel, however, the impugned order was a well reasoned one which did not warrant any interference.

5. I have heard learned counsel for the parties and perused the



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relevant material on record.

6. A careful examination of the material on record reveals that the appeal before the learned Sessions Judge was adjudicated in the absence of the petitioner and his counsel. Such a course of action is impermissible in law and runs afoul of the settled principles of natural justice, which mandate that a party must be granted a fair opportunity of being heard before any adverse order is passed against them.

7. The right to be heard is a fundamental tenet of justice, and its denial vitiates the entire adjudicatory process since the principles of natural justice are not mere procedural formalities but are essential safeguards to ensure fair adjudication. Furthermore, an appellant should not suffer for the inadvertence or absence of his counsel, and a fair opportunity must be extended to present his case.

8. In the instant case, the learned Appellate Court, by deciding the appeal in the absence of the petitioner and his counsel, has deprived the petitioner of an opportunity to effectively contest the findings of the learned Trial Court. Such an approach is manifestly erroneous and cannot be sustained.

9. In view of the foregoing discussion and the undertaking given by the petitioner, the impugned judgment dated 21.11.2023 is hereby set aside. The matter is remanded back to the learned Sessions Judge, Fazilka, for fresh adjudication after affording the petitioner a full and fair opportunity of hearing.

10. The petitioner, as per the undertaking given before this Court, shall deposit 20% of the compensation amount before the



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learned Trial Court within a period of four weeks from the date of this order. The learned Sessions Judge, Fazilka shall thereafter proceed with the appeal expeditiously, ensuring due compliance with the principles of natural justice. The parties are directed to appear before the learned Sessions Judge, Fazilka, on 18.03.2025.

11. The instant revision petition stands disposed of accordingly.

12. Pending applications, if any, stand disposed of.

04.03.2025

Vinay

**(MANJARI NEHRU KAUL)
JUDGE**

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