



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

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CRR-993-2025

Date of decision : 21.04.2025

Mohit Vashisht and others

....Petitioners

V/S

Nidhi Sharma and another

....Respondents

CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. A.S. Manaise, Advocate for the petitioners.

NAMIT KUMAR, J. (ORAL)

1. The petitioners have filed the instant revision petition under Section 442 of Bharatiya Nagarik Suraksha Sanhita, 2023 challenging the judgment dated 21.03.2025 passed by learned Additional Sessions Judge, Fast Track Special Court, Gurdaspur, whereby order dated 19.11.2024 passed by learned Chief Judicial Magistrate, Gurdaspur has been set aside and application filed by the complainant under Section 348 of BNSS has been allowed.

2. Learned counsel for the petitioners submits that the impugned order dated 21.03.2025 has been passed by learned Additional Sessions Judge, Fast Track Special Court, Gurdaspur without granting an opportunity of hearing to the petitioners. He further submits that although, in the impugned order dated 21.03.2025 presence of Sh. Manoj Loomba, Advocate has been marked for the petitioners, however, the petitioners have never engaged the said counsel to argue their case in the revision petition and he was their counsel before the Trial Court only.

3. Notice of motion.

4. Mr. Adhiraj Singh, A.A.G., Punjab accepts notice on behalf of respondent No.2.

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5. Mr. Vipin Mahajan, Advocate with Ms. Chandanpreet Kaur Ahluwalia, Advocate has put in appearance and accepts notice on behalf of respondent No.1 and filed his power of attorney in the Court which is taken on record. He submits that although, Sh. Manoj Loomba, Advocate was counsel for the petitioners before the Trial Court, however, without going into the merits of the case at this stage he would have no objection if the matter is re-heard by the concerned Court in accordance with law after affording an opportunity of hearing to both the parties.

6. A perusal of the record shows that since the impugned order dated 21.03.2025 has been passed by learned Additional Sessions Judge, Fast Track Special Court, Gurdaspur without providing a fair opportunity of hearing to the affected party, therefore, there is clear violation of latin maxim audi alteram partem which says that everyone has a right of granting fair opportunity of hearing to defend his/her case before adjudication of the matter.

7. In view of the above, the impugned order dated 21.03.2025 passed by learned Additional Sessions Judge, Fast Track Special Court, Gurdaspur is quashed and set aside and the matter is remanded back to the concerned Court for fresh decision on its merits after affording an opportunity of hearing to the counsel for both the parties within a period of two months from the date of receipt of certified copy of this order.

21.04.2025*kothiyal***(NAMIT KUMAR)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No