



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-49625-2025
Decided on : 08.09.2025

Subhash Chand Sharma

... Petitioner(s)

Versus

Sanjay Thakran

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Rajneesh Chadwal, Advocate and
Mr. Naveen Sharma, Advocate along with
Mr. Subhash Chand Sharma, petitioner in-person.

SANJAY VASHISTH, J. (Oral)

1. Petitioner – Subhash Chand Sharma, appearing in person, has filed the instant petition under Section 482 Cr.P.C. (corresponding to Section 528 of the BNSS, 2023) for quashing of the order dated 15.07.2025 (Annexure P-1), passed by the learned Additional Sessions Judge, Gurugram, whereby his application dated 25.05.2021, filed under Section 340 Cr.P.C. (Annexure P-2) in CRR-88 of 2020, was dismissed on account of non-prosecution.

2. Impugned order dated 15.07.2025 (P-1) reads as under:-

*“CNR No: HRGR01-004712-2021**CIS No: CRM-128-2021***Subhash Chand Sharma Vs. Sanjay Thakran***Present: None for applicant.***ORDER**

Case has been called several times since morning but neither the representing counsel of applicant nor applicant has appeared. No intimation has been received. It is already 3:00 PM. No further wait is justified. It seems that applicant is not interested in pursuing the present application. Hence, the present criminal miscellaneous application is



hereby dismissed in default. File be consigned to record room after due compliance.

Date of Order: 15.07.2025

*(Virender Malik)
Addl. Sessions Judge, Gurugram
UID No. HR00101”*

3. Before this Court also, instant petition has been filed by the petitioner – Subhash Chand Sharma himself, being the petitioner in person.

4. This Court has made all possible efforts to understand the issue. However, the petitioner, Mr. Subhash Chand Sharma, is hard of hearing and is unable to properly comprehend the queries of the Court. He is accompanied by his professional associate, Mr. Rajneesh Chadwal, who submits that the petitioner (applicant) was, in fact, present before the court below, but erroneously, by recording that no one appeared, his application was dismissed in default (vide the order referred to here-in-above).

5. Be that as it may, this Court does not wish to go into such controversies. Yet, in the interest of justice, the impugned order dated 15.07.2025 (Annexure P-1) is hereby set aside, without making any observations on the correctness of the facts mentioned in the application or in the plea raised by the petitioner before this Court.

6. Consequently, instant petition is allowed. The Court of the learned Additional Sessions Judge, Gurugram, which has dealt with the application, is directed to again decide the said application on merits, after hearing counsel for the petitioner.

Needless to mention, for proper adjudication of the application, assistance of counsel would be required. Since it appears that the petitioner, Mr. Subhash Chand Sharma, on account of his advanced age, is unable to



properly understand the queries of the Court, he is directed to avail the services of a worthy member of the Bar of his choice and present such counsel before the Court concerned.

7. With aforementioned observations, present petition is **disposed of**.

(SANJAY VASHISTH)
JUDGE

September 08, 2025

J.Ram

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*