

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NOS. 128-129 OF 2020  
(Arising from SLP(CrI.) No(s).2633-2634/2019)

SATPAL SAINI

APPELLANT(S)

VERSUS

JAI BHAGWAN

RESPONDENT(S)

O R D E R

1. Leave granted.
2. Despite service none appears for the respondent.
3. These appeals take exception to the Judgment(s) and Order(s) dated 16<sup>th</sup> November, 2018 in CRM-M No.29453 of 2018 and dated 08.01.2019 in CRM No.45483 of 2018 passed by the High Court of Punjab and Haryana at Chandigarh.
4. The High Court rejected the petition being CRM-M No.29453 of 2018 filed by the appellant on account of default and non-appearance by the advocate for the appellant.
5. Being aggrieved by the said order, the appellant moved an application being CRM No.45483 of 2018 for restoration of the main petition pointing out that due to reasons beyond his control the matter was dismissed for default. The

advocate had failed to appear as he had left the Court at 4.00 p.m. after the normal working time of Court was over requesting his colleague to request the Court to adjourn the matter due to personal difficulty. The advocate who was requested to make such prayer also did not remain present when the matter was called out.

6. According to the application filed before the High Court, in paragraph 7, it is asserted that the order was passed at around 4.30 p.m. Be that as it may, even this application has been rejected by the High Court finding no merit vide order dated 08.01.2019.

7. Considering the fact that the main petition CRM-M No.29453 of 2017 was rejected due to default of the advocate and more so at around 4.30 p.m., after the normal Court timing was over, in the interest of justice, we allow these appeals, set aside the impugned orders and relegate the parties before the High Court for reconsideration of petition bearing CRM-M No.29453 of 2017 on its own merits in accordance with law.

8. The appellant undertakes to deposit a sum of Rs.1,80,000/- (Rupees One lakh eighty thousand

only) before the trial Court within two weeks from today. That be deposited subject to just exceptions available to the respondent.

9. The appeals are allowed and pending applications are disposed of accordingly.

....., J.  
(A.M. KHANWILKAR)

....., J.  
(DINESH MAHESHWARI)

NEW DELHI  
JANUARY 20, 2020

ITEM NO.32

COURT NO.6

SECTION II-B

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Cr1.) No(s).2633-2634/2019

(Arising out of impugned final judgment and order dated 16-11-2018 in CRM-M No. 29453/2017 and 08-01-2019 in CRM No. 45483/2018 passed by the High Court Of Punjab & Haryana At Chandigarh)

SATPAL SAINI

Petitioner(s)

VERSUS

JAI BHAGWAN

Respondent(s)

Date : 20-01-2020 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR  
HON'BLE MR. JUSTICE DINESH MAHESHWARI

For Petitioner(s) Mr. Ravi Chandra Prakash, Adv.  
Dr. Sushma Singh, Adv.  
For M/s Ravi Chandra Prakash & Co., AOR

For Respondent(s)

UPON hearing the counsel the Court made the following  
O R D E R

Leave granted.

The appeals are allowed and pending applications are disposed of in terms of the signed order.

(NEETU KHAJURIA)  
COURT MASTER

(VIDYA NEGI)  
COURT MASTER

(Signed order is placed on the file.)