

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CR-19-2015

Date of decision: 19.1.2015

Kuldeep

..... Petitioner

Versus

Pushp Lata and another

..... Respondents

**CORAM: HON'BLE MR. JUSTICE R.P. NAGRATH**

1. *Whether Reporters of the local papers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the digest?*

PRESENT: Mr. Ashwani Gaur, Advocate for the petitioner.

**R.P. NAGRATH, J. (ORAL)**

Prayer in the instant petition is for setting aside the order dated 2.9.2014 (Annexure P-5), passed by the learned Civil Judge (Junior Division), Sonapat whereby the property of respondents has been released from attachment and auction, in the execution proceedings.

The impugned order has been passed by the learned lower Court in the proceedings for recovery of amount of fine imposed for offence under Section 138 of the Negotiable Instruments Act. Even if the objections are filed under Order XXI Rule 58 of the Code of Civil Procedure (CPC) and disposed of by the learned lower Court, it seems that Civil Revision cannot be maintainable.

Learned counsel for the petitioner submits that the remedy in such a matter is available in terms of Section 421 Cr.P.C. but I find that for that Civil Revision cannot be maintained.

In view of the above, the instant petition is disposed of with liberty to the petitioner to seek appropriate remedy, in accordance with law.

**January 19, 2015**

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**( R.P. NAGRATH )  
JUDGE**