

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.24777 of 2014
and
Criminal Misc. No.A-1279-MA of 2014 (O&M)

.....

Date of decision:24.9.2015

Renu Mittal

...Applicant

v.

Ramesh Sharma and others

...Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. G.C. Shahpuri, Advocate for the applicant.

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Inderjit Singh, J.

Cr. Misc. No.24777 of 2014:

For the reasons mentioned in the criminal miscellaneous application, the delay of 197 days in filing the application seeking leave to file appeal is condoned.

The criminal miscellaneous application stands disposed of.

Cr. Misc. No.M-1279-MA of 2014:

The complainant/applicant has filed this criminal miscellaneous application under Section 378(4) Cr.P.C. against Ramesh Sharma and others-respondents seeking grant of leave to file appeal against the impugned judgment dated 18.1.2014 passed by the learned Additional Chief Judicial Magistrate, Yamuna Nagar at Jagadhri.

I have heard learned counsel for the applicant and have gone through the record.

From the record, I find that vide impugned judgment dated 18.1.2014 passed by the learned Additional Chief Judicial Magistrate, Yamuna Nagar at Jagadhri, charge were not framed against the accused and the Court held that no case to frame charges for the offences under Sections 420, 467, 468, 471 read with Section 120-B IPC is made out against any of the accused. Resultantly, they were discharged. The complaint case filed by Renu Mittal against Ramesh Sharma and others was a warrant trial case and the trial Court on the basis of evidence produced before it for the purpose of framing charge came to the conclusion that no case is made out. Against this order of discharge, criminal revision petition is maintainable as the accused have not been acquitted in the present case.

Therefore, the question of filing appeal against acquittal and further filing application under Section 378(4) Cr.P.C. for leave to file the appeal does not arise.

Therefore, finding no merit in the application filed under Section 378(4) Cr.P.C., the same is dismissed.

September 24, 2015.

(Inderjit Singh)
Judge

hsp