

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

Crl. Misc. No.M-17754 of 2015 (O&M)

Date of Decision: 27.05.2015

Vijay

.. Petitioner

Vs.

State of Haryana & Anr.

.. Respondents

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

**Present: - Mr. Aditya Jain, Advocate
for the petitioner.**

ANITA CHAUDHRY, J.

Through the instant petition, a challenge has been laid to judgment dated 19.03.2015 passed by Addl. Sessions Judge, Hisar vide which order dated 7.10.2014 passed by Addl. Chief Judicial Magistrate, Hisar dismissing the complaint filed by respondent No.2, has been set aside and matter has been remanded to the trial Court to decide the matter afresh after considering all the documents and evidence produced on record.

Respondent No.2 filed a complaint against the petitioner levelling the allegations of forging the documents in order to usurp his tractor. Preliminary evidence was led. On appraisal thereof, the Court found that no ground for summoning the accused is made out and dismissed the complaint. A revision was preferred by respondent No.2, which has been disposed of in the manner indicated above.

The grouse of the petitioner is that against the order dismissing the complaint, a revision was not maintainable before

Sessions Court and that the revisional Court below fell in error while setting aside a well reasoned order dated 07.10.2014, dismissing the complaint.

On perusal of impugned judgment, it is revealed that no such objection regarding the maintainability of revision was taken by the petitioner before the revisional Court below. Once he opted to contest the matter before that forum, it does not lie in his mouth to say that the revision petition was not maintainable. Even otherwise, the complaint was dismissed at the pre-summoning stage. It cannot be said that the revision petition was not maintainable before the Sessions Court.

No adverse order has been passed against the petitioner so far and the matter has been sent to the trial Court for orders afresh after analyzing the evidence and documents produced on record. Much has been argued touching the merits of the case. This Court refrains from commenting on the merits of the case as any observation made by this Court may affect or prejudice the case of either parties, before the trial Court. At this stage, no interference is called for.

Petition is dismissed.

May 27, 2015
Jiten

(ANITA CHAUDHRY)
JUDGE