

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

Criminal Misc. No. M-32518 of 2011 (O & M)
Date of Decision:-18.8.2015

Pinki

...Petitioner

Versus

Sahab Singh and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

1. *Whether reporters of local newspapers may be allowed to see judgment?*
2. *To be referred to reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

Present:- Mr. Gaurav Gaur, Advocate for
Mr. S.M. Sharma, Advocate
for the petitioner.

Mr. Deepak Sharma, Advocate
for respondents No.1 to 17.

Mr. Vikas Chopra, DAG Haryana.

HARI PAL VERMA J.(Oral)

Prayer in this petition is for quashing of orders dated 7.1.2011 (Annexures P-2 and P-3) passed by learned Additional Sessions Judge, Ambala, whereby the revision petition filed by the petitioner against the order of acquittal dated 5.10.2010 passed by learned Judicial Magistrate 1st Class, Ambala, was dismissed.

In the judgment of acquittal passed by learned Magistrate dated 5.10.2010, learned Additional Sessions Judge, Ambala in his

judgment dated 7.1.2011 observed as under :-

“5. I am of the considered opinion that the present revision is not maintainable. As per proviso appended to Section 372 of the Code of Criminal Procedure, a victim has right to file appeal against the judgment of acquittal, as a matter of right. Section 372 of the Cr.P.C. read as under :-

'372. No appeal to lie unless otherwise provided-No appeal shall lie from any judgment of order of a Criminal Court except as provided for by this Code or by any other law for the time being inforce.

[Provided that the victim shall have a right to prefer an appeal against any order passed by the Court acquitting the accused or convicting for a lesser offence or imposing inadequate compensation, and such appeal shall lie to the Court to which an appeal ordinarily lies against the order of conviction of such Court]

However, Mr. Ashok Goel, Counsel for the Revisionist has filed an application for treating the revision as appeal. I am of the considered view that said request of the petitioner can also be not acceded to as scope of appeal is much larger than that of the revision. Accordingly, application as well as revision are hereby dismissed. File be consigned to records after due compliance.

Pronounced in open Court.
7.1.2011

Sd/
(A.S. Narang)
Additional Sessions Judge,
Ambala”

In view of the aforesaid provision, learned counsel for the petitioner wishes to withdraw the present petition to avail the remedy available under law. Further prayer of the petitioner is that the Court

below be directed to condone the delay while entertaining the appeal.

In view of the aforesaid prayer, the present petition is dismissed as withdrawn with the liberty to the petitioner to avail the remedy as available to her under the law. The petitioner is at liberty to raise the issue regarding limitation before the Court below and the Court below be consider the same in accordance with law.

August 18, 2015
Vijay Asija

(**HARI PAL VERMA**)
JUDGE