

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

CRR No.2555 of 2010(O&M)

Date of decision: 29.1.2015

Tayyab

..... Petitioner

VERSUS

Samma @ Samsudeen and ors.

..... Respondents

**CORAM: HON'BLE MR. JUSTICE S.S. SARON
 HON'BLE MR. JUSTICE GURMIT RAM**

**Present: Mr. S.D. Bansal, Advocate
 for the petitioner.**

Mr. Baljinder Singh, DAG, Haryana.

S.S. SARON, J.

The petitioner Tayyab aggrieved against the acquittal of respondents No.1 to 4 has filed the present revision petition for setting aside their acquittal and for awarding adequate compensation to him.

Respondents No.1 to 4 were sent up for trial for committing offences punishable under Sections 148, 149, 302, 285, 506 and 341 of Indian Penal Code (for short – IPC). They were charge-sheeted for committing offences punishable under Sections 148, 506 and 302 read with Section 149 IPC. The learned Additional Sessions Judge, Gurgaon after trial and considering the evidence and material on record acquitted

the respondents No.1 to 4 vide judgment dated 21.1.2010.

Learned counsel for the petitioner submits that in view of the proviso to Section 372 of the Code of Criminal Procedure and also the Full Bench judgment of this Court in **M/s TATA Steels Limited Versus M/s Atma Tube Products Limited and ors.,2013 (2) RCR(Criminal) 1005**, an appeal would be maintainable against the acquittal of respondents No.1 to 4. Therefore, it is submitted that he may be allowed to withdraw the revision petition with liberty to file an appeal in accordance with law.

Accordingly, the revision petition is dismissed as withdrawn with liberty as prayed for.

(S.S. SARON)
JUDGE

(GURMIT RAM)
JUDGE

29.1.2015
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