

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Revision No. 1201 of 2015

Date of Decision: 28.4.2015

Ram Gopal

... Petitioner(s)

Versus

State of Haryana and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Darshan Singh.

Present: Sanjay Sharma, Special Power of Attorney
for the petitioner(s).

Darshan Singh, J.

1. The present petition has been filed against the order dated 30.1.2015, passed by the Judicial Magistrate Ist Class, Karnal vide which, in the private complaint filed by the petitioner, only one accused has been summoned and the complaint has been dismissed qua remaining three accused.

2. The petitioner has a remedy to file the revision under Section 397 of the Code of Criminal Procedure, 1973 (hereinafter referred to as "Cr.P.C.") before the Court of Sessions at Karnal. In case ***Natwar Lal v. State of Rajasthan 2008 Criminal Law Journal 3579***, the Rajasthan High Court has held that it will be appropriate to first approach the lower forum except in rare and special circumstances. There is no rare and special circumstance in the present case to directly approach this Court.

3. In view of above, the petitioner is relegated to avail his remedy under Section 397 Cr.P.C. before the Court of Sessions at Karnal to assail the impugned order. The Registry is directed to return the certified

copy of the impugned order to the petitioner today itself under proper receipt.

4. The present revision petition is disposed of accordingly.

(Darshan Singh)
Judge

April 28, 2015

“DK”