

***CRM-A-177-MA-2015 in/and
CRA-AS-75-2015
208***

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

***CRM-A-177-MA-2015 in/and
CRA-AS-75-2016***

Date of Decision: 06.05.2016

GURJOT SINGH

..... Petitioner

VS.

KALI KANT JHA

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH.

Present: None.

1. *Whether Reporters of Local Newspapers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

KULDIP SINGH, J (ORAL)

CRM-3389-2015

The present application under Section 5 of Limitation Act has been filed for condonation of delay of 40 days in filing the application for leave to appeal.

For the reasons enumerated in the application, the same is allowed. Delay of 40 days in filing the application leave to appeal is hereby condoned subject to all just exceptions.

CRM-A-177-MA-2015

This is an application for grant of leave to appeal. In view of the averments made in the application, leave to appeal is granted. Application stands allowed. Registry is directed to assign the number of the appeal.

**CRM-A-177-MA-2015 in/and
CRA-AS-75-2015**

CRA-AS-75-2015

Impugned in this present appeal is the order dated 13.10.2014 passed by the Judicial Magistrate Ist Class, Patiala vide which the learned Magistrate while hearing on the question of framing of charge, discharged the accused in the complaint case tiled as Gurjot Singh Vs. Kali Kant Jha.

I am of the view that since the order discharging the accused at the time of framing of the charges is a revisable order, therefore, the revision lies before the Sessions Court.

In view of the above, the appeal is relegated to avail the remedy of revision before the Sessions Court.

If the revision is filed within 30 days from today, the Sessions Court shall hear and decide the same on merits notwithstanding the question of limitation.

In view of the above the appeal is allowed.

**[KULDIP SINGH]
JUDGE**

May 6, 2016
Suresh Kumar