

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

124

CRM-M-15449-2016 (O&M).

Decided on: July 11, 2016.

Major Singh

.. Petitioner(s)

VERSUS

Balkar Singh and Ors.

.. Respondent(s)

* * *

CORAM:

HON'BLE MR.JUSTICE M.M.S.BEDI

* * *

PRESENT

Mr.S.P.Soi, Advocate,
for the petitioner.

M.M.S. BEDI, J. (ORAL)

A private complaint filed by the petitioner was dismissed for non-prosecution vide order dated 10.6.2016.

It has, inter alia, been argued that the case was fixed for recording the statement of accused under Section 313 Cr.P.C.

It does not appear from the documents placed on record in the complaint filed by the petitioner, inter alia, under Section 307 IPC, whether the charges had been framed under all the sections mentioned in the complaint or the case was at pre-charge evidence stage.

Counsel for the petitioner also submits that even all the accused were not present, Simarjit Kaur being absent on said date and the trial Court had not taken the said fact into consideration.

I have considered the contention of the learned counsel for the petitioner and I am of the opinion that present petition is not maintainable under Section 482 Cr.P.C. The appropriate remedy available to the petitioner is of a revision petition questioning the legality and propriety of the order.

Counsel for the petitioner seeks permission to withdraw the present petition at this stage, with liberty to avail the appropriate legal remedy by moving an application for condonation of delay.

Dismissed as withdrawn with liberty to avail the appropriate legal remedy in accordance with law.

(M.M.S. BEDI)
JUDGE

July 11, 2016.
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