

CRM-M-24460-2016

Date of Decision : 23.08.2016

Riak Mohammad

.....Petitioner

versus

State of Punjab and others

....Respondent

CORAM : HON'BLE MR. JUSTICE M.M.S. BEDI**Present:** Mr. Pankaj Bali, Advocate
for the petitioner.**M.M.S. BEDI, JUDGE (ORAL)**

Petitioner is a complainant in FIR No. 64 dated 16.04.2013 registered under Sections 323, 427, 452, 506, 148 and 149 IPC, Police Station Sadar Khanna. As per the allegations of the petitioner, 15-18 boys carrying baseball bats, sticks and rods had trespassed in the Dhaba of the father of the petitioner and gave beatings to the petitioner and his father. The members of the unlawful assembly, allegedly, damaged the hand wash basin and chairs and also damaged the bonnet of the car belonging to the petitioner.

The respondents No. 2 and 3, Harmanjot Singh and Harjot Singh were summoned as additional accused under Section 319 Cr.P.C. by the trial Court but the Revisional Court on a revision petition filed by Harmanjot Singh has set aside the order of the trial Court and required the trial Court to reconsider the summoning order.

Since, Harjot Singh had not filed any revision petition, it appears debatable whether in revision petition filed by Harmanjot Singh, the order *qua* Harjot Singh has also been set aside. Since the Revisional Court has required the trial Court to decide the application under

Section 319 Cr.P.C. afresh as per the ratio of the judgments referred therein, I do not find any ground to interfere in the order passed by the Revisional Court as it is always open to the petitioner/complainant to press the application under Section 319 Cr.P.C. which is yet to be reconsidered by the trial Court in the light of the ratio of the judgments mentioned in the order passed by the Revisional Court.

This petition is disposed of as not maintainable with liberty to the petitioner to raise all the pleas of facts and law taken up in this petition, before the trial Court.

(M.M.S. BEDI)
JUDGE

23.08.2016

Neha

Whether Speaking/Reasoned: Yes/No

Whether Reportable: Yes/No