

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

**CRM No.M-2655 of 2016 (O&M)
Date of Decision: February 19, 2016**

Anurodh Kumar Kashyap **Petitioner**

vs.

Assistant Commissioner **Respondent**

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Jagmohan Bansal, Advocate for the petitioner.

- 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)

Petitioner has filed this petition under Section 482 Cr.P.C. for quashing of complaint No.137/2015, dated 18.06.2015, under Sections 9 & 9AA of the Central Excise Act, 1944 (Annexure P-3) and summoning order dated 10.06.2015 (Annexure P-4) qua the petitioner passed by learned Chief Judicial Magistrate, Jhajjar, in which apart from other accused, the petitioner was also summoned.

Undisputedly, the revision against the summoning order lies before the Sessions Court.

Learned counsel for the petitioner relies upon the authority of ***“Adalat Prasad vs Rooplal Jindal”, 2004(4) R.C.R. (Criminal) 1.***

However, in the subsequent judgment of ***“Mohit @ Sonu and another vs State of U.P. and another”, 2013(3) R.C.R. (Criminal) 673,*** the Hon'ble Apex Court after considering all the facts and circumstances of the case law on the point, it was held that when

the order, which is not interlocutory in nature, can be assailed by way of revision, the powers under Section 482 Cr.P.C. should not be ordinarily exercised.

I am of the view that the present case is not an extraordinary case, where direct interference is required by this Court under Section 482 Cr.P.C. It is proper that the petitioner should raise all the pleas in the revision before the Sessions Court to assail the summoning order qua him.

In these circumstances, the present petition is disposed of with liberty to the petitioner to first approach the Sessions Court, where all the averments made in the present petition can be raised. If such revision is filed within 30 days, the same shall be heard and decided dealing with all the averments notwithstanding the technicalities of law of limitation. However, if an adverse order is passed, the petitioner is at liberty to approach this Court again.

The present petition stands disposed of accordingly.

(KULDIP SINGH)
JUDGE

February 19, 2016
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