

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

(119)

CRM-M-28669-2016

Decided on: August 30, 2016.

Sajjan Singh

.... Petitioner

Versus

State of Punjab and others

..... Respondents

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

Present: Mr. Manvinder Singh Bal, Advocate, for the petitioner.

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

The petitioner is a complainant in a case FIR No.17 dated 29.11.2004, under Sections 420, 467, 468, 471, 120-B, 379 IPC registered against Arjan Singh, Jaswinder Singh and Amarjit Singh. They were acquitted by Sh.Mandeep Mittal, Judicial Magistrate Ist Class, Patti vide judgment dated 06.12.2011. State of Punjab filed an appeal under Section 372 Cr.P.C against the order of acquittal but the said appeal has been dismissed on the point of limitation only vide order dated 27.02.2015 Annexure P-1 passed by the Additional Sessions Judge, Tarn Taran.

It is pertinent to observe here that the petitioner in the capacity as complainant had not opted to file any appeal under Section 372 Cr.P.C, though under the proviso, he could have preferred an appeal against the order of acquittal. The present petition has been filed under Section 482 Cr.P.C for quashing of order dated 27.02.2015 passed in the appeal of the State.

Since the petitioner has not opted to file any appeal under Section 372 Cr.P.C against the order of acquittal, the present petition under Section 482 Cr.P.C is not maintainable. State of Punjab could have availed the legal remedy available to it.

This petition is disposed of as not maintainable without prejudice to the right of the petitioner to avail any other legal remedy available to him in accordance with law.

(M.M.S. BEDI)
JUDGE

August 30, 2016
harsha

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No