

*IN THE HIGH COURT FOR THE STATES OF PUNJAB
AND HARYANA AT CHANDIGARH.*

Cr. Misc. M 38780 of 2016 (O&M)
Date of decision: 27.10.2016

Rajesh Thor

Petitioner

vs.

State of Punjab

Respondent

Present: Mr. Sanjiv Gupta, Advocate.

M.M.S.BEDI,J.

The petitioner challenges order dated 26.7.2016, by virtue of which CJM, Fathegarh Sahib has refused to release the tanker to him, who claims himself to be the owner of the same. The order passed by the CJM is apparently erroneous, if seen in context to the judgment of the Supreme Court in **Sunderbhai Ambalal Desai vs. State of Gujarat AIR 2003(SC) 638** and the provisions of Section 451 Cr.P.C. The petitioner appears to have not filed a revision petition, which is maintainable against the impugned order.

In the interest of judicial propriety, the petition is disposed of, at this stage as pre-mature, with liberty to the petitioner to avail the alternative remedy by filing a revision petition. In case the revision petition is filed within a period of one month from today, the delay, if any, in filing of the revision petition will be condoned by the court concerned.

October 27 ,2016
TSM

(M.M.S.BEDI)
JUDGE

Whether speaking/ reasoned

Yes/ No

Whether Reportable

Yes/ No