

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR No.1973 of 2013 (O&M)
Date of Decision: February 24, 2016

Premwati

...Petitioner

VERSUS

Mahabir Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Naresh Kaushik, Advocate
for the petitioner.

INDERJIT SINGH, J.

The present revision petition has been filed by the petitioner Premwati against Mahabir Singh and other respondents, challenging the impugned judgment 17.01.2012 passed by learned Judicial Magistrate Ist Class, Sonipat, whereby the accused-respondents were acquitted and also challenging the judgment dated 04.03.2013 passed by learned Addl. Sessions Judge, Sonipat, vide which the appeal filed by the petitioner was dismissed.

I have heard learned counsel for the petitioner and have gone through the record.

From the record, I find that complainant-petitioner Premwati filed a complaint against SI Mahabir Singh, SHO, HC Samunder Singh, C. Bhagat Singh, ASI Mool Chand and HC Ram Kumar under Sections 166, 448, 451, 354 and 500 IPC read with Section 149 IPC.

Learned JMJC, Sonipat, after appreciating the evidence,

acquitted the accused vide impugned judgment dated 17.01.2012. An appeal was filed by the petitioner before Sessions Court and learned Addl. Sessions Judge, Sonipat, dismissed the appeal vide impugned judgment dated 04.03.2013 and upheld the judgment of acquittal.

Aggrieved from the above-said judgments, present revision petition has been filed.

From the record, I find that it is a complaint case and judgment of acquittal has been passed by learned JMJC, Sonipat on 17.01.2012. As per Section 378(4) Cr.P.C., the appeal is maintainable before this Court after seeking leave to file appeal. No appeal is maintainable before Sessions Court and the present revision petitioner has availed wrong remedy before learned Addl. Sessions Judge, Sonipat and learned Addl. Sessions Judge, Sonipat has dismissed the appeal on merits but the Sessions Court has no jurisdiction to hear the appeal against acquittal in a complaint case. Therefore the judgment dated 04.03.2013 passed by learned Addl. Sessions Judge, Sonipat is illegal and not as per law.

As appeal against the judgment of acquittal passed by learned Judicial Magistrate only lies before this Court and that too after seeking leave to file appeal under Section 378(4) Cr.P.C., therefore, revision petition filed by the present petitioner is not maintainable and the same is dismissed.

However, the petitioner is at liberty to avail appropriate remedy.

February 24, 2016

Vgulati

**(INDERJIT SINGH)
JUDGE**