

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

**Criminal Revision No.3833 of 2013
Date of Decision:-29.11.2016**

Surjit Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Sunny Singla, Advocate
for the petitioner.

Mr. Gurinderjit Singh, Deputy A.G., Punjab.

Mr. Naresh Prabhakar, Advocate
for respondents No.2 to 4.

HARI PAL VERMA J.(Oral)

Petitioner-complainant has filed the present criminal revision against the judgment dated 8.10.2013 passed by learned Additional Chief Judicial Magistrate, Kapurthala, whereby the respondent/accused were acquitted of the offence punishable under Sections 447, 427 and 506 IPC by giving them benefit of doubt.

Learned counsel for respondents No.2 to 4 has taken the preliminary objection that against the judgment of acquittal, the complainant has the right to appeal as provided under Section 372 (proviso) of the Code of Criminal Procedure, which reads as under :-

“372. No appeal to lie unless otherwise provided--

No appeal shall lie from any judgment or order of a Criminal Court except as provided for by this Code or by any other law for the time being in force.

Provided that the victim shall have a right to prefer an appeal against any order passed by the Court acquitting the accused or convicting for a lesser offence or imposing inadequate compensation, and such appeal shall lie to the Court to which an appeal ordinarily lies against the order of conviction of such Court.”

Faced with this situation and the objection raised by learned counsel for respondents No.2 to 4, learned counsel for the petitioner seeks permission to withdraw the present petition, however, with liberty to file an appeal against the judgment of acquittal dated 8.10.2013 passed by learned ACJM, Kapurthala.

Having heard learned counsel for the parties and taking into consideration the proviso attached with Section 372 Cr.P.C., the petitioner is permitted to withdraw the present revision petition to enable him to prefer an appeal. However, if such like appeal is filed within one month from today, the appeal shall not be non-suited on the ground of limitation alone.

Dismissed as withdrawn with the liberty aforesaid.

November 29, 2016
Vijay Asija

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No