

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Revision No.2283 of 2014

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Date of decision:23.2.2016

Rano Bai

...Petitioner

v.

Kartar Singh and others

...Respondents

.....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Harkaran Singh, Advocate for Mr. B.S. Bhalla, Advocate
for the petitioner.

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Inderjit Singh, J.

This criminal revision petition has been filed under Section 401 Cr.P.C. challenging the impugned judgment dated 26.5.2014 passed by learned Additional Sessions Judge, Fazilka, whereby the appeal filed against the impugned judgment dated 4.9.2012 in complaint case passed by learned Sub Divisional Judicial Magistrate, Jalalabad (West), acquitting the accused/ respondents, has been dismissed.

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

From the record, I find that it was a complaint case and the accused/respondents have been acquitted by the learned Sub Divisional Judicial Magistrate, Jalalabad (West), therefore, the appeal before the

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learned Additional Sessions Judge, Fazilka was not maintainable. Rather, the appeal is only maintainable before this Court under Section 378 Cr.P.C. and the complainant is to file the appeal after seeking the permission/leave to file appeal from this Court. The complainant has filed this criminal revision petition against the judgments passed by the Courts below. The criminal revision petition is not maintainable against the judgment of acquittal passed by the trial Court. It is now settled law that the appeal is not maintainable before the Sessions Court and, therefore, Sessions Judge has no jurisdiction to hear the appeal against the judgment of acquittal in a complaint case and the complainant had availed wrong remedy before the learned Additional Sessions Judge, Fazilka. Rather, the complainant has only one remedy to file an appeal under Section 378 Cr.P.C. after seeking leave to file appeal, but instead of filing the appeal under Section 378 Cr.P.C., this criminal revision petition has been filed which is not maintainable, therefore, the same is dismissed.

February 23, 2016.

(Inderjit Singh)
Judge

hsp