

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR No.2638 of 2015 (O&M)

Date of decision: 30.05.2016

Sumit Singh @ Kala Singh

.....Petitioner

versus

State of Punjab and another

.....Respondents

CRR No.4178 of 2015 (O&M)

Pritam Chand Bangar

.....Petitioner

versus

State of Punjab and another

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Sant Pal Singh Sidhu, Advocate for the petitioner in
CRR No.2638 of 2015
Mr.R.K.Girdhar, Advocate
for the petitioner in CR 4178 of 2015
Mr.Sidakmeet Sandhu, AAG Punjab
Mr.Surender Dhull, Advocate for the respondent No.1
in both the petitions

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
- 2. To be referred to the Reporters or not ?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

This order shall dispose of CRR No.2638 of 2015 and CRR
No.4178 of 2015, arising out of a common judgment.

It comes out that Om Parkash respondent No.2 filed one
criminal complaint against eight persons, including Sumit Singh and Pritam

Chand Bangar present petitioners. Learned Sub Divisional Judicial Magistrate, vide judgment dated 21.12.2013 convicted only Amandeep Singh and acquitted the remaining accused, including the present petitioners Sumit Singh and Pritam Chand Bangar. Against the said judgment, Om Parkash filed an appeal against acquittal before the Sessions Court, whereas Amandeep Singh accused filed an appeal against his conviction. Both the appeals were disposed of vide judgment dated 4.7.2015 passed by learned Additional Sessions Judge, Fazilka, holding that the appeal against acquittal is not maintainable before the Sessions Court. While disposing of the appeal filed by Amandeep Singh, it was held that he was convicted under Section 420 IPC but charges under Section 420 IPC were not framed. Therefore, the appeal of Amandeep Singh was remanded to the lower Court for fresh decision with the direction that fresh charges shall be framed by the Court against all the accused and proper opportunity shall be given to the prosecution to prove the charges afresh.

Once, the learned Additional Sessions Judge holds that appeal against acquittal is not maintainable in her Court, no orders against the accused who are acquitted can be passed. Moreover, it comes out that now the appeal against acquittal has been filed by the complainant before this Court bearing CRM-A-729-MA-2016. Therefore, no order qua the acquitted accused could be passed.

It being so, the impugned judgment dated 4.7.2015 by learned Additional Sessions Judge, Fazilka so far as directing the framing of charge against all the accused, including the acquitted accused is set aside.

Both the revision petitions stand allowed.

30.05.2016

gk

GOPAL KRISHAN
2016.06.02 14:01
I attest to the accuracy and
authenticity of this document
High Court Chandigarh

(Kuldip Singh)
Judge