

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

CRR-4371-2015 (O&M)

Date of decision: September 29, 2016.

Subhash Chander

... **Petitioner**

v.

Mahinder Kumar and others

... **Respondents**

CORAM: **HON'BLE MR. JUSTICE A.B. CHAUDHARI**

Present: Shri Manish Soni, Advocate for the petitioner.

A.B. Chaudhari, J. (Oral):

Heard Learned Counsel for the petitioner.

The trial court had dismissed the private complaint filed by the petitioner under Section 203 Cr.P.C. Against that order, instead of filing revision under Section 397 Cr.P.C., the petitioner filed criminal appeal before the Sessions Court. Thereafter, the counsel for the petitioner made a statement that since criminal appeal was not maintainable, he would file a revision before the High Court and accordingly the Sessions Court also permitted him to file revision before the High Court.

In my opinion, it was the duty of the Sessions Court to examine the legal aspect rather than accepting the misconceived submission of the counsel for the petitioner, namely, to ask him to file revision under Section 397 Cr.P.C. Instead of doing his duty, the Sessions Judge has granted liberty to the petitioner to approach the High Court.

Be that as it may, since the petitioner has an efficacious

effective remedy available before the Sessions Court under Section 397 Cr.P.C., the petitioner is allowed to withdraw this petition with liberty to file the same before the Sessions Court.

The application for condonation of delay in filing the revision petition shall be considered sympathetically by the Sessions Court.

September 29, 2016.
kadyan

[**A.B. Chaudhari**]
Judge

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No