

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR No. 605 of 2014 (O/M)
Date of decision : 18.1.2016

Shri Ram

..... Revisionist

Versus

Maman and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Pankaj Middha, Advocate, for the revisionist.
None for respondent No. 1.
Ms. Supriya Arora, Additional A.G. Haryana,
for respondent No. 2.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
 2. To be referred to the Reporter or not.
 3. Whether the judgment should be reported in the digest ?
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KULDIP SINGH J. (ORAL)

Challenged in the present revision is the order dated 2.12.2013, passed by the learned Sessions Judge, Panipat, vide which the appeal preferred by the present revisionist, was dismissed as not maintainable. The short order dated 2.12.2013, passed by the learned Sessions Judge, Panipat, is reproduced as under :-

“ Despite repeated calls neither the appellant has appeared in person nor his counsel has appeared. It is already 4:00 PM. The Court time is over and the appellant cannot be awaited any longer, as such the appeal is dismissed for want of prosecution. Otherwise also, in the light of law laid down in case titled Smt. Ram Kaur alias Jaswinder Kaur Vs. Jagbir Singh alias Jabi and others, 2010(3) RCR (Criminal) 391, the appeal is not maintainable. Trial Court record be sent back and appeal filed be consigned.”

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The appeal was filed by Shree Ram, who was complainant as well as the injured. The learned counsel for the revisionist contends that the appeal was wrongly dismissed.

The learned counsel has referred to the Full Bench judgment of this Court in M/s Tata Steel Ltd. Versus M/S Amba Tube Products Ltd. and others, The Punjab Law Reporter, Vol. CLXXIII (2014-1), Page-1, and has argued that under Section 372 of Code of Criminal Procedure, 1973, the victim has right to prefer an appeal against the order of acquittal before the Court, to which the appeal against conviction lies. Therefore, relying on the aforesaid authority, it is contended that the appeal was very much maintainable before the Sessions Court and has been wrongly dismissed.

In view of the law laid down by Full Bench of this Court in M/s Tata Steel Ltd. (supra), the appeal filed by the victim against the order of acquittal in the FIR case, was maintainable before the Sessions Court. Accordingly, the impugned order dated 2.12.2013, passed by the learned Sessions Judge, Panipat, is set aside. The case is remanded back to the Court of the learned Sessions Judge, Panipat, for deciding the appeal on merits, after issuing notice to both the parties. Hence, the present revision is allowed.

(KULDIP SINGH)
JUDGE

18.1.2016
sjks