

In the High Court of Punjab & Haryana at Chandigarh.

CRM-A-1820-MA-2017
Date of decision: 21.11.2017

GURWINDER SINGH APPLICANT
VS.
SURINDER MAHAJAN & OTHERS RESPONDENTS

CORAM: HON'BLE MR. JUSTICE T.P.S. MANN
HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Karan S.Gill, Advocate, for the applicant.

T.P.S. MANN,J.(ORAL)

Order dated 05.11.2016 passed by the learned Judicial Magistrate 1st Class, Pathankot, stands challenged by the complainant by filing the present application under Section 378 (4) Cr.P.C. seeking permission to file an appeal.

Vide impugned order, learned trial Court after going through the preliminary evidence available on record, found no ground to summon the accused. The impugned order, thus, amounts to an order of discharge and not of acquittal and, therefore, cannot be challenged by way of an appeal after seeking leave of the Court.

In view of the above, the present application is not maintainable and accordingly dismissed.

(T.P.S. MANN)
JUDGE

(MAHABIR SINGH SINDHU)
JUDGE

21.11.2017
smriti

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No