

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM No.M-18615 of 2017 (O&M)

Date of Decision: July 27, 2017

Gurbax Singh

...Petitioner

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Sahil Arora, Advocate
for the petitioner.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. for quashing the order dated 08.08.2016 passed by learned Addl. Sessions Judge, Ludhiana, vide which criminal appeal filed by the petitioner against the order of learned JMIC, Ludhiana, was dismissed.

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

Section 341 Cr.P.C. provides as under:-

341. Appeal.

(1) Any person on whose application any court other than a High Court has refused to make a complaint under sub-section (1) or sub-section (2) of section 340, or against whom such a complaint has been made by such court, may appeal to the court to which such former court is subordinate within the meaning of sub-section (4) of section 95, and the superior court may thereupon, after notice to the parties concerned, direct the withdrawal of the complaint or, as the case may be, making of the complaint which such former court might have

made under section 340, and if it makes such complaint, the provisions of that section shall apply accordingly.

(2) An order under this section and subject to any such order, an order under section 340, shall be final, and shall not be subject to revision.”

In view of above provision, no revision is maintainable against the order of lower Appellate Court and order of Appellate Court is final. The petitioner has filed this petition under Section 482 Cr.P.C. I have perused the orders passed by the Courts below. The same are as per law. In no way, these orders amount to miscarriage of justice. Nothing has been argued as to what illegality has been committed by the Courts below while passing the impugned orders. The case has not been decided on merit as it was dismissed being infructuous. Similarly, it is in order that affidavit in which, the complainant-applicant alleges that some wrong averments have been made, has already been withdrawn from the Court and no decision on merit has been given by the Court as the petition was stated to be dismissed as being rendered infructuous. It is settled law that it is for the Court to see that in which cases proceedings are to be initiated under Section 340 Cr.P.C.

In view of the above discussion, I find that the impugned orders passed by learned Courts below are as per law.

Therefore, finding no merit in the present petition, the same is dismissed.

July 27, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No