

CRM-M-36796-2015

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

CRM-M-36796-2015

Date of Decision:05.04.2017

Dr. A.P.Sanwaria

... Petitioner

Versus

P.C.Sanghi

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Rajiv Kataria, Advocate,
for the petitioner.

Mr. Aditya Sanghi, Advocate,
for the respondent.

INDERJIT SINGH, J.

Petitioner-Dr. A.P.Sanwaria has filed this petition under Section 482 of the Code of Criminal Procedure, 1973 (for brevity, 'Cr.P.C.') for quashing of the judgment dated 22.09.2015 (Annexure P-6) passed in Criminal Complaint No.7380/2014 dated 24.05.2008, by learned Additional Sessions Judge, Chandigarh, alongwith all other proceedings in the case pursuant to the impugned judgment.

Notice of motion was issued. Respondent put in appearance through his counsel and contested this petition.

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

From the record, I find that an application was filed by

complainant-respondent for re-examination of witness DSP (Retd.)

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Devinder Singh Thakur on the ground that his statement is not at all legible and reasonable.

Learned Judicial Magistrate Ist Class, Chandigarh after hearing the parties dismissed the said application vide order dated 29.05.2015. A revision was filed by the respondent against the said order before learned Additional Sessions Judge, Chandigarh who allowed the same vide impugned judgment dated 22.09.2015.

Aggrieved from the impugned judgment dated 22.09.2015 passed by learned Additional Sessions Judge, Chandigarh, the present petition has been filed.

At the time of arguments, learned counsel for the petitioner argued that as the order passed on application under Section 311 Cr.P.C. is interlocutory one, therefore, no revision is maintainable.

From the perusal of record and after hearing learned counsel for the parties, I find that any order passed on application under Section 311 Cr.P.C. is interlocutory one as it is passed during the proceedings and in no way, it can be held as intermediate order. Against interlocutory order, no revision is maintainable. Since the revision is not maintainable, therefore, learned Additional Sessions Judge cannot pass the impugned judgment in the revision allowing the application. The only remedy available to the aggrieved party where the application under Section 311 Cr.P.C. has been dismissed or allowed, is to approach this Court under Section 482 Cr.P.C.

From the above discussion, I find that the impugned judgment dated 22.09.2015 (Annexure P-6) passed by learned Additional Sessions

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Judge, Chandigarh is not as per law. Therefore, finding merit in the present petition, the same is allowed and the impugned judgment dated 22.09.2015 (Annexure P-6) passed by learned Additional Sessions Judge, Chandigarh is set aside and all the subsequent proceedings arising from the impugned judgment are also set aside.

However, the respondent is at liberty to avail the remedy whatever available to him as per law.

05.04.2017

parveen kumar

**(INDERJIT SINGH)
JUDGE**

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