

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRA-S-2584-SB-2013 (O&M)

Date of decision: August 18, 2018

Rampal

.....Appellant

Versus

State of Haryana and others

.....Respondents

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

Present: Mr. Aman Dhir, Legal Aid Counsel for the appellant.

Ms. Tanisha Peshawaria, DAG, Haryana.

A.B. CHAUDHARI, J. (Oral)

The complainant, in FIR No.73 dated 08.06.2000 for the offence under Sections 419, 420, 467, 468 471 & 120-B of the Indian Penal Code, has come up in appeal against judgment and order dated 18.01.2011 in Criminal Case No. 372 of 2010, passed by Chief Judicial Magistrate, Kaithal. Learned Sessions Court dismissed the appeal preferred by him vide Criminal Appeal No.33 of 2012 without deciding it on merits, on 18.02.2013 on the ground that the complainant in the FIR, could not have filed appeal before the Sessions Court. The Criminal Procedure Code in particular Section 372 has been amended (as inserted w.e.f. 30.12.2009) by making proviso to Section 372 granting right to victim to file an appeal before the Sessions Court. The appellant/complainant undoubtedly, is the victim within the meaning of Section 2(wa). The controversy as to whether at the behest of the appellant would lie before the Sessions Court or the High Court after the said amendment was brought into force w.e.f. 13.02.2001 was set to rest in the case of *M/s Tata*

Steel Ltd. vs. M/s Atma Tube Products Ltd. and others 2013(2) RCR (Criminal 1005. In the present case, the acquittal order was made on 18.01.2011 i.e. after 30.12.2009.

In that view of the matter, I make the following order:-

ORDER

- (i) CRA-S-2584-SB-2013 is disposed of and the same is ordered to be transferred to the Sessions Judge, Kaithal for hearing of the appeal filed by the present appellant-Rampal.
- (ii) The record shall be transferred as per procedure within four weeks from today.
- (iii) The appellant shall appear before the Sessions Judge, Kaithal on 26.09.2018.

(A.B. CHAUDHARI)
JUDGE

August 18, 2018
anju rani

Whether speaking/ reasoned: Yes/No
Whether Reportable: Yes/No