

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-A-1859-MA-2014
Date of Decision: 29.10.2018

Anand Kumar

.. Applicant

Vs.

P.S. Bishnoi

..Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Vivek Khatri, Advocate for the applicant.

...

Inderjit Singh, J.

Applicant-Anand Kumar has filed this application under Section 378(4) Cr.P.C. seeking permission for leave to appeal against respondent P.S. Bishnoi, challenging the order dated 30.09.2014 passed by learned Addl. Sessions Judge, Hisar, vide which the complaint filed by the complainant was dismissed.

It is mainly stated in the application that learned Addl. Sessions Judge, Hisar has erred in dismissing the complaint of the complainant and thus order is not sustainable in the eyes of law. It is, therefore, prayed that leave to appeal be granted.

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

From the record, I find that a complaint was filed by complainant-Anand Kumar against P.S. Bishnoi under Sections 7 and 13 (i)(c)(d)(I)(ii)(iii) and (e) of the Prevention of Corruption Act, 1988 and Sections 420, 467, 468, 471 of the Indian Penal Code, 1860. The same was dismissed by learned Addl. Sessions Judge, Hisar vide order dated

30.09.2014.

Learned counsel for the applicant admitted at the time of arguments that no previous sanction for prosecution of accused had been obtained. Otherwise also, it is a warrant trial case and learned lower Court has dismissed the complaint and has not summoned the accused, therefore, in no way, this order amounts to acquittal of the accused. As it does not amount to acquittal of the accused, therefore, no question arises to file application under Section 378(4) Cr.P.C. for leave to appeal against acquittal of respondent/accused.

In view of above discussion, the present application stands dismissed being not maintainable.

29.10.2018
Jasmine Kaur

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No