

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

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**CRM-M-41844 of 2018
Date of Decision: 21.09.2018**

M/s Preview Fashion

...Petitioner

Versus

M/s Priknit Retail Ltd. And others

...Respondent

CORAM:- HON'BLE MR. JUSTICE SUDHIR MITTAL.

Present:- Mr. G.S. Verma, Advocate, for the petitioner.

SUDHIR MITTAL, J. (Oral)

The petitioner is the complainant. He had filed a complaint No. 319 dated 09.08.2010, under Section 138 of the Negotiable Instruments Act 1881. Vide order dated 12.08.2013, the said complaint was dismissed in default of appearance. Revision against the said order was rejected vide order dated 20.09.2014 on the ground that the same was not maintainable. Through the present petition, the petitioner seeks directions to the learned Judicial Magistrate Ist Class, Ludhiana to restore the aforementioned complaint.

The effect of order dated 12.08.2013 was acquittal of the accused persons. Thus, an appeal against acquittal under Section 378 (4) Cr. P.C. was maintainable. Merely because the appeal is barred by limitation, the petitioner cannot invoke Section 482 Cr. P.C. for redressal of his grievance. In case, the petitioner is able to get over the bar of limitation, he can get appropriate relief. Section 482 Cr. P.C. cannot be invoked in a situation where a specific remedy is provided for by the Code of Criminal Procedure, 1973.

The petition is misconceived and is accordingly dismissed.

**(SUDHIR MITTAL)
JUDGE**

September 21, 2018

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*Whether speaking/reasoned
Whether reportable*

*Yes/No
Yes/No*