

CRR-2717 of 2015

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

CRR-2717 of 2015

Date of Decision: 02.08.2018

Iqbal Singh and others

....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. B.S. Baath, Advocate, for the petitioners.

Mr. Amandeep S. Gill, DAG, Punjab.

RAMENDRA JAIN, J. (ORAL)

Through this revision petition challenge has been laid to judgment dated 04.05.2015 of the learned Additional Sessions Judge, Fatehgarh Sahib, whereby petitioners were convicted under Sections 323, 506 and 148 read with Section 149 IPC and were released on probation vide order of sentence of even date.

In nutshell, respondent No.2 filed a complaint against the petitioners under Sections 323, 324, 148, 149, 504 and 506 IPC before the learned Judicial Magistrate Ist Class, Fatehgarh Sahib, which, after holding trial, was dismissed vide judgment dated 30.09.2014.

Being aggrieved, respondent No.2 filed an appeal before the First Appellate Court, in which petitioners were convicted and sentenced as narrated above in the opening part of the judgment vide judgment of conviction and order of sentence dated 04.05.2015.

Learned counsel for the petitioners *inter alia* contends that since it was a complaint case, therefore, no appeal lies before the learned Sessions

Judge in view of provisions of Section 378(4) Cr.P.C. because in case of

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acquittal in a complaint case, appeal lies before this Court and not before the learned Sessions Judge.

Learned State counsel fairly conceded the above submissions made by learned counsel for the petitioners.

In view of above, petition is allowed. Impugned judgment of conviction and order of sentence, holding the petitioners guilty and releasing them on probation, is set aside.

August 02, 2018
R.S.

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No