

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

CWP No.14270 of 2018
Date of Decision:30.05.2018

Gurchet Singh and another

. Petitioners

Vs.

State of Punjab and others

. Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: - Mr.Vikas Arora, Advocate,
for the petitioners.

RAKESH KUMAR JAIN, J. (O&M)

The petitioners have prayed for the issuance of a writ in the nature of certiorari for quashing the order dated 14.5.2018 passed by the District Magistrate, Rupnagar which is allegedly in violation of the provisions of Section 144 of the Code of Criminal Procedure, 1973 [for short 'the Cr.P.C.].

Learned counsel for the petitioners has argued that the order passed under Section 144 (4) and proviso thereof of the Cr.P.C. can last upto six months whereas the order passed by the District Magistrate is continuing thereafter.

I have heard learned counsel for the petitioners and after taking into consideration the contentions raised by him, am of the considered opinion that the petitioners have a statutory remedy of revision before the State Government, against the order impugned herein, as provided under Section 144(6) of the Cr.P.C. which read as under: -

*“The State Government may, either
on its own motion or on the*

*application of any person aggrieved,
rescind or alter any order made by it
under the proviso to Sub-Section (4).”*

The whole grievance of the petitioners is only with regard to Section 144 of the Cr.P.C., therefore, the petitioners have a statutory remedy before the State Government by filing a revision petition and not before this Court by way of writ petition, therefore, the present petition is hereby dismissed with liberty to the petitioners to avail the statutory remedy of revision before the State Government, if so desire, in terms of Section 144(6) of the Cr.P.C. In case any such revision petition is filed, the same shall be decided expeditiously.

30.05.2018

Vivek

(RAKESH KUMAR JAIN)
JUDGE

Whether speaking /reasoned : Yes/No

Whether Reportable : Yes/No