

CRM-A-344-MA-2015

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

CRM-A-344-MA-2015 (O & M)

Date of Decision: 17.01.2019

Roshan Lal

... Applicant

Versus

Satbir Singh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Parveen Sharma, Advocate for
Mr. Pankaj Bali, Advocate,
for the applicant.

INDERJIT SINGH, J.

CRM-6215-2015

This is an application for condonation of delay of 104 days
in filing application seeking permission for leave to appeal.

Heard.

For the reasons as mentioned in the application, the same is
allowed. Delay of 104 days in filing application seeking permission for
leave to appeal is condoned.

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Applicant-Roshan Lal has filed this application under
Section 378(4) of the Code of Criminal Procedure, 1973 seeking leave to
file an appeal against the order dated 28.08.2014 passed by learned
Judicial Magistrate Ist Class, Karnal, vide which complaint filed by the
applicant-complainant has been dismissed.

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

Perusal of record shows that applicant-Roshan Lal filed a criminal complaint against respondents-Satbir Singh and others under Sections 509, 323, 452, 506 IPC etc. and Section 3 (1) (x) and (xi) of the SC/ST Act. Learned Judicial Magistrate Ist Class, Karnal vide impugned order dated 28.08.2014 has dismissed the complaint and not summoned the accused. Since the complaint has been dismissed at the summoning stage and the accused have not been summoned, therefore, question of acquittal of the accused does not arise. Only revision petition lies against the impugned order. Therefore, the present application seeking leave to appeal against acquittal is not maintainable and the same is dismissed.

17.01.2019

parveen kumar

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned	:	Yes
Whether reportable	:	No