

247 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-41478-2015
Date of decision-27.08.2019

Surinder Singh

...Petitioner

Vs.

Harjeet Singh

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Ms. Neel Kamal, Advocate for
Ms. Ritam Aggarwal, Advocate for the petitioner.

Ms. Puja Chopra, Advocate for the respondent.

MANOJ BAJAJ, J.

Petitioner-Surinder Singh has filed this petition under Section 482 Cr.P.C to challenge the order dated 26.10.2015 (Annexure P-3) passed by learned Additional Sessions Judge, Ferozepur whereby the revision preferred against trial Court judgment dated 13.10.2014 (Annexure P-2) was dismissed, as not maintainable.

Learned counsel for the petitioner contends that on 13.10.2014, accused/petitioner could not appear before the trial Court as date was wrongly noted by him as 21.11.2014 instead of 13.10.2014 and the trial Court proceeded to pass the extreme order of dismissal of the complaint for want of prosecution. He further submits that the applicant was regularly appearing before the trial Court. The absence of the applicant on 13.10.2014 was neither willful nor intentional. He submits that the revision was dismissed as not maintainable.

The prayer is opposed by the counsel appearing on behalf of the respondent on the ground that the petition is not maintainable under Section 482 Cr.P.C and the order amounts to acquittal. Therefore, appeal against acquittal should have been filed.

After hearing learned counsel for the parties, this Court does not find any merit in the argument raised by learned counsel for the respondent as the order strictly may not amount to acquittal on merits, therefore, petition under Section 482 Cr.P.C would be equally effective remedy. This Court finds that the explanation offered for the absence of appellant is reasonable and the same is accepted. It is to be borne in mind that many a times the complainant or counsel can be prevented by sufficient reasons on a given date from putting in appearance before the Court and every such absence necessarily cannot be construed as deliberate or wilful.

Considering the above, the impugned order dated 13.10.2014 is set aside and the complaint is restored to its original number. The trial Court is directed to proceed with the complaint, in accordance with law.

Let the parties appear before the trial Court on 20.11.2019.

Disposed off.

(MANOJ BAJAJ)
JUDGE

27.08.2019

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No