

In the High Court of Punjab and Haryana at Chandigarh

.....

Criminal Revision No.2570 of 2014 (O&M)

.....

Date of decision:07.03.2019

Jagjiwan Singh alias Jaggu and others

...Petitioners

v.

Preeti and another

...Respondents

.....

Coram: Hon'ble Mr. Justice Inderjit Singh

.....

Present: Mr. R.K. Arya, Advocate for the petitioners.

Mr. Surinder Thakur, Advocate for respondent No.1.

Mr. Dhruv Dayal, Senior Deputy Advocate General, Punjab
for respondent No.2-State.

.....

Inderjit Singh, J.

This criminal revision petition has been filed under Section 401 Cr.P.C. challenging the impugned judgment dated 11.7.2014 passed by learned Additional Sessions Judge, Hoshiarpur, whereby the appeal filed against the judgment and order dated 14.8.2012 passed by learned Sub Divisional Judicial Magistrate, Mukerian, has been allowed and the judgment and order of the learned trial Court has been set aside and the case was remanded to the learned trial Court for hearing arguments afresh and thereafter to pass the judgment thereby discussing the ingredients of each and every offence for which each accused has been charge-sheeted and then pass the order of acquittal or conviction accordingly.

Notice of motion was issued in this case.

Mr. Surinder Thakur, learned Advocate has appeared on behalf of respondent No.1 and Mr. Dhruv Dayal, learned Senior Deputy Advocate General, Punjab, has appeared on behalf of respondent No.2-State and contested this revision petition.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

A perusal of the record shows that the present petitioners were charged by the learned trial Court for the offences under Sections 452, 323, 506, 427, 148 read with Section 149 IPC, to which they pleaded not guilty and claimed trial.

The learned Sub Divisional Judicial Magistrate, Mukerian, vide judgment dated 14.8.2012 acquitted the accused for the offences under Sections 452 and 323 IPC specifically. There is no discussion by the learned Sub Divisional Judicial Magistrate, Mukerian, qua other offences nor there is any specific order as to whether the accused were also acquitted of other offences under Sections 506, 427, 148 read with Section 149 IPC or not. Considering these facts, the learned Additional Sessions Judge, Hoshiarpur vide judgment dated 11.7.2014 remanded the matter back to the learned trial Court to hear the arguments afresh and thereafter pass the judgment discussing the ingredients of each and every offence of all accused for which they have been charge-sheeted and then pass the order accordingly.

A perusal of the judgment dated 11.7.2014 shows that no illegality has been committed by the learned Additional Sessions Judge

while remanding the case back to the learned trial Court for giving the finding on each and every offence regarding which the accused have been charge-sheeted and this order has been passed correctly by the learned Additional Sessions Judge, Hoshiarpur. The trial Court is supposed to pass the order regarding all the offences. The Court has only acquitted the accused under Sections 452 and 323 IPC, but no findings have been given qua other offences. The learned trial Court is supposed to give finding on all the offences may be acquittal or conviction.

Therefore, from the above, I find that the impugned judgment passed by the learned Additional Sessions Judge, Hoshiarpur is correct as per evidence and law and no illegality has been committed, hence does not require any interference from this Court.

Therefore, finding no merit in the present criminal revision petition, the same is dismissed.

March 07, 2019.

(Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No