

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Revision No. 282 of 2017 (O&M)
Date of decision : November 06, 2019

Ajay and others

....Petitioners

versus

Komal

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Mannat Anand, Advocate, for the petitioners
Mr. Vivek Singla, Advocate, for the respondent

Fateh Deep Singh, J. (Oral)

Respondent Komal instituted a criminal complaint under Sections 498-A, 406, 323, 506, 34 IPC against the present petitioners Ajay, Sunder Lal Bajaj, Santosh and Shilpa. The allegations were to the effect that marriage of complainant Komal and Ajay was solemnized on 27.3.2007 where sufficient dowry articles including gold and cash were given. However, accused were not happy for the same and wanted a car to be given at the ceremony. On demand of the accused, the parents of the

complainant had given Rs two lacs in cash after the marriage to satisfy the lust of the accused for more dowry. On account of matrimonial disaccord the present complaint was filed. The court of learned Judicial Magistrate Ist Class, Hisar vide orders dated 17.9.2015 dismissed the complaint.

The complainant thereafter aggrieved over these findings filed a criminal revision in the court of learned Additional Sessions Judge, Hisar who upon hearing the parties allowed the revision and set aside the impugned order. The same is subject matter of challenge before this Court in this petition preferred by the accused by way of revision.

Heard Mr. Mannat Anand, Advocate, for the petitioners; Mr. Vivek Singla, Advocate, for the respondent and perused the records.

The admitted stance of the parties and which is also reflective from the records is that after the accused were summoned the order of the dismissal of the complaint thereafter was passed resulting in termination of the proceedings by way of acquittal. The offences for which the complaint has come up were cognizable and non-bailable. Thus Section 372 Cr.P.C. provides that the victim shall have a right to prefer an appeal against an order passed by the court

acquitting the accused and similar was the proposition before the Full Bench of this Court in **M/s Tata Steel Ltd. vs M/s Atma Tube Products Ltd and others, 2013(2) R.C.R. (Criminal) 1005** in which this Court has held that the proviso to Section 372 Cr.P.C. which has come about with effect from 31.12.2009 is prospective in application and applies only to those orders passed on or before December 31, 2009 and thereafter even the present case is clearly covered by the Full Bench view *ibid*.

The learned Additional Sessions Judge, Hisar by the impugned findings certainly gone into an error by entertaining and passing such an order in criminal revision which otherwise was not maintainable. In the light of the same, the present petition is allowed and the impugned order is hereby set aside.

November 06, 2019

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(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?
Whether Reportable ?

Yes/No
Yes/No