

CRM-M-26749 of 2014

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

CRM-M-26749 of 2014
Date of Decision: 27.01.2020

Satnam Singh

....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Veneet Sharma, Advocate, for the petitioner.
Mr. Pawan Sharda, Sr. DAG, Punjab.

RAMENDRA JAIN, J. (ORAL)

Through this petition under Section 482 Cr.P.C. prayer has been made for setting aside order dated 01.11.2013 (Annexure P-3) of the appellate Court in case FIR No.28 dated 07.02.2009 registered under Sections 419 and 420 IPC at Police Station 'B' Division, Amritsar, and directing it to decide revision of the petitioner on merits by treating as an appeal.

Briefly, respondent No.2 was booked, tried in the aforesaid FIR for fraudulently and illegally getting two pensions from the Government and acquitted vide judgment dated 24.01.2011.

Being aggrieved, petitioner-complainant filed revision before the Sessions Court, which was dismissed being not maintainable vide order dated 01.11.2013 impugned herein.

Learned counsel for the petitioner *inter alia* contends that Sessions Court, exercising its power under Section 401 Cr.P.C. was

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required to treat revision of the petitioner as an appeal and decide the same on merits.

On the other hand, learned State counsel pleaded legality and validity of the impugned order.

Having given thoughtful consideration to the rival submissions, this Court finds the instant petition completely devoid of any merit for the reasons to follow.

It has been fairly conceded by learned counsel for the petitioner that against acquittal of respondent No.2 vide judgment dated 24.01.2011, petitioner was required to file appeal and not revision.

Observation of the Sessions Court regarding non-maintainability is one of the grounds for dismissal of petitioner's revision on merit, passing detailed judgment amongst various other grounds. Thus, it does not lie in the mouth of learned counsel for the petitioner that his revision was dismissed solely on the ground of non-maintainability.

This Court is also of the considered view that this petition under Section 482 Cr.P.C. is not maintainable.

Dismissed.

January 27, 2020
R.S.

(Ramendra Jain)
Judge

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No