

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

**CRR-2071-2012(O&M)
Date of decision:-17.2.2020**

Davinder Kumar

...Petitioner

Versus

Surinder Kumar

...Respondent

CORAM : HON' BLE MR. JUSTICE H.S. MADAAN

Present : Mr.Vinod Gupta, Advocate
for the petitioner.

None for respondent.

H.S. MADAAN, J.

Complainant Davinder Kumar had filed a complaint under Section 138 of Negotiable Instruments Act against accused Surinder Kumar. After recording of preliminary evidence, accused was summoned, who put in appearance. Notice of accusation was served upon him, to which, he pleaded not guilty and claimed trial. The complainant led oral as well as documentary evidence. Statement of the accused under Section 313 Cr.P.C. was recorded. Accused led evidence in defence. After hearing arguments, learned Sub Divisional Judicial Magistrate, Guhla dismissed the complaint vide judgment dated 24.11.2008.

The complainant challenged that judgment by way of filing an appeal before learned Sessions Judge, Kaithal, who dismissed the said appeal being not maintainable vide judgment dated 19.5.2012. The

reason for dismissal was that the complainant should have approached the High Court seeking special leave to appeal in terms of Section 378(4) Cr.P.C.

Even then the complainant has not taken recourse to that remedy and has approached this Court by way of filing a revision petition challenging the orders passed by the Courts below.

I have heard learned counsel for the petitioner besides going through the record and I find that learned Sessions Judge, Kaithal had rightly come to the conclusion that the complainant should have moved an application seeking special leave to appeal in terms of Section 378(4) Cr.P.C. instead of bringing a revision petition.

The present revision petition is not maintainable and is therefore dismissed accordingly.

17.2.2020
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No