

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

239

CRR-82-2020

Date of Decision:16.08.2022

Sanjay Madan

.....Petitioner

Vs.

Vijay Kumar

.....Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Naamparkash Singh Sandhu, Advocate for
Mr. Harpreet S. Sandhu, Advocate for the petitioner.

ANOOP CHITKARA J. (ORAL)

Challenging the acquittal under Section 138 of Negotiable Instruments Act, the petitioner has come up before this Court by filing the present petition.

There is a specific provision under Section 378(4) CrPC, wherein, a leave to appeal has been provided for by the legislature. Once an appeal has been provided for, there is no justification to file a case invoking 401 CrPC. Therefore, the present petition is not maintainable, however, liberty is given to the petitioner to file a leave to appeal under Section 378(4) CrPC. Needless to say that since a wrong format was chosen for the revision, as such the time for which the present revision was pending before this Court, has to be condoned and time for filing the appeal has to be extended in accordance with law.

Petition is disposed of in the terms mentioned above. Pending applications, if any, stand disposed of.

**(ANOOP CHITKARA)
JUDGE**

16.08.2022

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