

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

2023:PHHC:075007
CRR-1321-2023(O&M)
DECIDED ON: 24.05.2023

Santokh Singh @ SukhaPetitioner

VERSUS

State of Punjab and anotherRespondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present: Mr.Rohit Joshi, Advocate, for the petitioner.

SANJEEV PRAKASH SHARMA, J (ORAL)

The remedy available to the petitioner under Section 399 Cr.P.C was to challenge the impugned order, passed by the concerned Court of Sub Divisional Judicial Magistrate, Mukerian Hoshiarpur. However, instead of filing a revision against the order to the concerned District Judge, learned counsel states that he has approached this Court for invoking powers under Section 401 Cr.PC.

In the opinion of this Court, unless there are extra ordinary circumstances which may be brought to the notice of this Court, the power under Section 401 Cr.P.C would not be exercised if the power under Section 399 Cr.P.C is available to the concerned District Judge to exercise power of revision.

The present petition is accordingly dismissed with liberty.

24.05.2023
mamta

(SANJEEV PRAKASH SHARMA)
JUDGE

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