

**Neutral citation No.:2023:PHHC:050314**  
**IN THE HIGH COURT OF PUNJAB AND HARYANA**  
**AT CHANDIGARH**

**299**

**CRR-3250-2018**

Date of Decision: 11.04.2023

Surjit Singh

....Petitioner

Versus

Bhupinder Singh and others

....Respondents

**CORAM:HON'BLE MR. JUSTICE ANOOP CHITKARA**

Present: Ms. Harveen Kaur, Advocate  
for the petitioner.

Mr. Manjit Singh Sarao, Advocate  
for the respondents.

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**ANOOP CHITKARA, J.**

Aggrieved by dismissal of the complaint vide order dated 18.08.2017, filed by the petitioner under Sections 323, 325, 341, 506 & 34 IPC, the petitioner has come up before this Court u/s 401 CrPC for setting aside the order.

2. Counsel for the respondents objects to the maintainability of the present petition on the grounds that against the order of acquittal leave to appeal under Section 378 (4) CrPC would lie and not the petition under Section 401 CrPC. The petition prima facie is not sustainable because once the statute provides specific remedy, it cannot be circumvented.

3. At this stage, counsel for the petitioner seeks permission to withdraw the present petition with liberty to file appeal as per law and with the clarification that in case, he files such appeal, the time for which the present revision petition was pending shall not be counted for the purpose of limitation.

4. Prayer being genuine, is accepted.

5. Given above, the present petition is disposed of as withdrawn with liberty to file an appeal in accordance with law. It is clarified that in case, the petitioner files such appeal, the time for which the present revision petition was pending, shall not be counted for the purpose of limitation. Pending applications, if any, stand disposed of.

**(ANOOP CHITKARA)**  
**JUDGE**

11.04.2023  
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Whether speaking/reasoned  
Whether reportable?

Yes/no  
Yes/no