

**CRR-3581-2017****1****IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH****CRR-3581-2017****Date of decision : September 09, 2024**

Bachittar Singh Tadda

....Petitioner

VERSUS

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Rishab Gupta, Advocate, for the petitioner
Mr. Raghav Garg, AAG, Punjab

KULDEEP TIWARI,J. (ORAL)

1. Through the instant petition, the petitioner has challenged the order dated 16.2.2017, passed by the learned Sub Divisional Judicial Magistrate, Zira, whereby the petitioner has been summoned under Section 319 Cr.P.C., to face trial as an accused, in case FIR No. 128 dated 24.7.2013, under Sections 419, 420, 467, 468, 471, 120-B IPC, registered at Police Station Zira, District Ferozepur.

2. The impugned order has been passed by the court of learned Judicial Magistrate Ist Class, which, in fact, is a revisable order, and it is cardinal principle of law that if two courts have concurrent jurisdiction, the litigant is required to approach the court of first instance, and in the present case, the court of first instance would be the Sessions Court concerned,

**CRR-3581-2017****2**

therefore, the petitioner is relegated to the Court of Sessions concerned, to avail the statutory remedy, by filing an appropriate motion.

4. It is apt to note here that the instant revision petition is pending before this Court since the year 2017, therefore, in case the petitioner prefers the revision petition accompanied with the application for condonation of delay, the revisional court concerned, shall after considering the facts (*supra*) and other mitigating circumstances pass appropriate orders. Further in case the petitioner files the revision petition within 15 days from today, with a prayer of stay of further proceedings before the revisional court concerned, the latter shall pass the order in accordance with the merit, without getting prejudice of the order passed by this Court. However, it is made clear that the further proceedings, qua the petitioner, before the court concerned, shall remain stayed till next 15 days, or till the date of filing the revision petition before the revisional court concerned, whichever is earlier.

5. **Disposed of** accordingly.

September 09, 2024

'tiwana'

**(KULDEEP TIWARI)
JUDGE**

Whether speaking/reasoned ? Yes/No
Whether Reportable ? Yes/No