

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRR-1955-2022 (O&M)
Date of decision : 19.04.2024

Jaspal Singh Petitioner

versus

State of Punjab and another Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Atul Goyal, Advocate
for the petitioner.

Mr. Jaswinder Singh Arora, DAG, Punjab.

Mr. Naveen Bawa, Advocate
for respondent No.2.

PANKAJ JAIN, J. (Oral)

1. Revision petition has been filed under Section 401 of the Code at the behest of the accused who stands convicted by both the Courts below. Parties were called. The petitioner has shown no sign of remorse and appears to be incorrigible.
2. As per the case of the prosecution in brief, the accused Jaspal Singh solemnized second marriage with Taranjit Kaur without getting divorce from complainant Kamaljit Kaur and thus has committed offence punishable under Sections 494 and 420 of IPC. 13 witnesses have been examined by the prosecution. Complainant alongwith the other material prosecution witnesses namely Surinder Kaur PW-2, Harpreet Kaur PW-3 and Sarabjit Singh PW-4 clearly supported the case of the prosecution.

3. Counsel for the petitioner has not been able to point out any glaring error which would warrant interference in the revisional jurisdiction.

4. Scope of revisional jurisdiction already stands well laid by Apex Court in ***Bindeshwari Prasad Singh @ B.P. Singh and others vs. State of Bihar (Now Jharkhand) and another, 2002 AIR (SC) 2907***, wherein it has been held that:-

“12. We have carefully considered the material on record and we are satisfied that the High Court was not justified in re-appreciating the evidence on record and coming to a different conclusion in a revision preferred by the informant under Section 401 of the Code of Criminal Procedure. Sub-section (3) of Section 401 in terms provides that nothing in Section 401 shall be deemed to authorize a High Court to convert a finding of acquittal into one of conviction. The aforesaid sub-section, which places a limitation on the powers of the revisional court, prohibiting it from converting a finding of acquittal into one of conviction, is itself indicative of the nature and extent of the revisional power conferred by Section 401 of the Code of Criminal Procedure. If the High Court could not convert a finding of acquittal into one of conviction directly, it could not do so indirectly by the method of ordering a re-trial. It is well settled by a catena of decisions of this Court that the High Court will ordinarily not interfere in revision with an order of acquittal except in exceptional cases where the interest of public justice requires interference for the correction of a manifest illegality or the prevention of gross miscarriage of justice. The High Court will not be justified in interfering with an order of acquittal

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merely because the trial court has taken a wrong view of the law or has erred in appreciation of evidence. It is neither possible nor advisable to make an exhaustive list of circumstances in which exercise of revisional jurisdiction may be justified, but decisions of this Court have laid down the parameters of exercise of revisional jurisdiction by the High Court under Section 401 of the Code of Criminal Procedure in an appeal against acquittal by a private party. (See AIR 1951 Supreme Court 196 : D. Stephens v. Nosibolla; AIR 1962 Supreme Court 1788 : K.C. Reddy v. State of Andhra Pradesh; (1973) 2 SCC 583 : Akalu Ahir and others v. Ramdeo Ram; AIR 1975 Supreme Court 1854 : Patakalapati Narayana Gajapathi Raju and others v. Bonapalli Peda Appadu and another and AIR 1968 Supreme Court 707 : Mahendra Pratap Singh v. Sarju Singh).”

- 5. Consequently, the present revision petition is dismissed.
- 6. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(PANKAJ JAIN)
JUDGE

19.04.2024
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No