

V/S

(II) CRR-110-2011 (O&M)

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CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Mr. Bhupender Singh, D.A.G., Haryana.

KULDEEP TIWARI, J. (ORAL)

1. Since a common technical issue is ingrained in both these revision petitions, therefore, they are amenable for being decided through a common verdict.
2. The principal reason for this Court refraining to entertain both these revision petitions, which have been pending before this Court since 2011/2014, ensues from them becoming filed after sidetracking the statutory remedy of revision before the learned Sessions Court concerned.
3. A perusal of the orders, as impugned in both these revision petitions, reveals that the same have been passed by the Magistrate concerned. Therefore, had the impugned orders caused any pain to the

petitioners, a revision thereagainst had to be filed before the learned Sessions Court concerned. Although this Court is well vested with a concurrent revisional jurisdiction to entertain the instant revision petitions, however, the cardinal principle of criminal jurisprudence warrants that, when an issue could be settled at the grassroots of judiciary, the litigants should recourse such remedy before the court of first instance, instead of departing from the said remedy and straightway accessing the superior courts. This Court has, on a number of occasions, relegated the litigants, who straightway approached this Court while departing from the statutory remedy, to avail their statutory remedy before the court of competent jurisdiction. Therefore, when the petitioners have admittedly sidetracked their statutory remedy of revision before the learned Sessions Court concerned, they cannot be imparted any special treatment by entertaining the instant revision petitions.

4. Consequently, without embarking upon the process of evaluating the merits/demerits of the instant revision petitions, the petitioners are hereby relegated to the competent court of revisional jurisdiction, for redressal of their grievance(s), as canvassed in these revision petition.

5. Therefore, in case, the petitioners access the competent revisional court concerned, within a month from today, by instituting an appropriate motion accompanied by an application seeking condonation of delay, the revisional court concerned shall decide the said delay application by taking into account the fact that the petitioners had, within the statutory period, accessed this Court and had been agitating their claim here for the past approx. 13 years.

6. Since this Court, after considering the submissions advanced by the learned counsel for the petitioners, stayed the further trial proceedings, therefore, in case the petitioners file an application, within a month from today, before the learned revisional court concerned, thereby seeking stay of further proceedings, the learned revisional court concerned shall decide the said application after taking into consideration the observations of this Court. Moreover, until decision of such stay application, the further trial court proceedings shall remain stayed.

7. At this stage, the learned counsel for the petitioners has requested that since the petitioner No.1 (in CRR-2694-2014) is a Pardanashin woman and cannot travel from Calcutta to Rohtak, therefore, her personal appearance may kindly be exempted before the learned revisional court concerned. Although this request cannot be accepted in the absence of an appropriate application in this regard, however, this Court directs the learned revisional court concerned to, in case the petitioner concerned files any such exemption application, the same shall be decided after taking into consideration the mitigating circumstances and in a sympathetic manner.

8. Both these revision petitions stand disposed of accordingly.

9. Pending applications also stand disposed of accordingly.

May 01, 2024
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No