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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-4918-2024 (O&M)

Date of decision: 11.09.2025

Mahabir Prasad

...Petitioner

Versus

Sujata Rani

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Aditya Jain, Advocate for the petitioner.

Mr. Rajan Bansal, Legal Aid Counsel,
Advocate for the respondent.

VIKAS BAHL, J. (ORAL)

1. This is a revision petition filed under Article 227 of the Constitution of India for quashing of impugned order dated 16.03.2023 (Annexure P-7) passed by the Lower Appellate Court of Sessions Judge, Jhajjar in Appeal No.CRA-36-2021 titled as “Mahabir Prasad Vs. Sujata Rani” dismissing the appeal dated 24.09.2021 (Annexure P-6) filed by the petitioner.

2. Learned counsel for the respondent has raised preliminary objection and has submitted that the present revision petition is not maintainable in view of the law laid down by the Division Bench of this Court in case bearing **CR-3407-2024 titled as “Hemant Bhagat and others Vs. Prekshi Sood Bhagat and other connected matters, decided on 25.10.2024** and remedy of the petitioner is under Code of Criminal Procedure/BNSS.

3. Learned counsel for the petitioner has submitted that earlier the petitioner had filed Criminal Revision and since at that time, judgment in the case of **Jaspal Kaur alias Pinki and others Vs. State of Punjab and another,**



CRM-M-19553-2023 decided on 24.04.2023, was holding field, thus, the petitioner had withdrawn the said CRR-1225-2023 with liberty to seek alternative remedy in accordance with law and thereafter, had filed the present petition. It is further submitted that in view of law laid down in ***Hemant Bhagat and others's*** case (Supra), the petitioner be permitted to withdraw the present revision petition with liberty to file a fresh petition but respondent should not raise objection with respect to maintainability of the second petition.

4. Learned counsel for the respondent, has very fairly submitted that in case any such petition is filed, the respondent would not raise objection regarding maintainability of the second petition but would raise all the points regarding the merits of the case.

5. Keeping in view the abovesaid facts and circumstances, the present petitioner is permitted to withdraw the present revision petition with liberty to file a petition in accordance with the judgment passed in ***Hemant Bhagat and others's*** case (Supra). As undertaken before this Court, in case any such petition is filed, respondent would not raise objection with respect to maintainability of the second petition. It is however, open to both the parties to raise all the pleas on merits as are admissible in law.

6. All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

11.09.2025

Pawan

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No