



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

105

CRM-9135-2026 in/and
CRR-1949-2022
Date of Decision: 13.03.2026

Naresh Petitioner
Versus
Rajesh and others Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present Mr. Sumit Sangwan, Advocate for the petitioner.

Mr. Anil Kumar Saini, Advocate
for respondents No. 1 and 2.

Mr. Shiva Khurmi, D.A.G., Haryana.

ANOOP CHITKARA, J. (ORAL)
CRM-9135-2026

Present application has been filed for recalling order dated 02.08.2024 and restoration of the case with its original number.

Counsel for the petitioner submits that the petitioner had filed two revision petitions, bearing CRR No.1949-2022 and CRR No.2251-2022, under the same title, both arising out of the common judgment dated 23.02.2022. He further submits that due to the same titles of the cases, the present revision petition was inadvertently dismissed as withdrawn instead of CRR-2251-2022. Therefore, the petitioner seeks recall of the order dated 02.08.2024 passed by this Court in the present petition.

Given above and for the reasons mentioned in the application, the same is allowed. The order dated 02.08.2024 is hereby recalled and the present revision petition shall be deemed to have been restored at its original number. This Court shall proceed to hear the present criminal revision on its merit today itself.

CRR-1949-2022

1. Seeking setting aside of impugned judgment dated 23.02.2022 passed by learned Additional Sessions Judge, Charkhi Dadri whereby learned Judge by its common judgment, dismissed the complainant-petitioner's appeal filed against the judgment dated 20.11.2019 and order of sentence dated 21.11.2019 passed by learned Chief Judicial Magistrate Charkhi Dadri, whereby learned CJM convicted the accused/respondent No. 1 Rajesh and also acquitted accused/respondent No. 2 Kila Singh.
2. By order dated 02.08.2024, this matter was withdrawn with liberty to file an appeal under Section 372 CrPC proviso.



3. Counsel for the petitioner submits that in fact two criminal revisions were filed. The facts of the case which led to confusion were that in fact there were two accused i.e., A-1 Rajesh and A-2 Killa Singh. During the trial, A-1 Rajesh was convicted but A-2 Killa Singh was acquitted. After that, Rajesh filed an appeal against conviction before the Sessions Court and complainant Naresh filed an appeal before the Sessions Court against acquittal of Killa Singh. In the Sessions Court, the appeal filed by the convict Rajesh against his conviction was allowed and he was acquitted and the appeal filed by complainant Naresh against acquittal of Killa Singh was dismissed. It means that both the accused were acquitted at the stage of Sessions Court.
4. Feeling aggrieved, the petitioner has filed a joint petition against Rajesh and Killa Singh.
5. Counsel for the petitioner submits that the present petition be treated as only challenging the acquittal of Killa Singh by the trial Court as well as the Appellate Court and he would be confining his arguments in the present case only to Killa Singh.
6. A perusal of the judgments passed by the trial Court and the appellate Court clearly point out that the same are well reasoned. As far as the respondent-Killa Singh is concerned, this Court is not commenting qua the evidence against Rajesh Kumar because the matter is stated to be pending but the acquittal of Killa Singh was well founded. Further, he was able to prove his defence by preponderance of probability. Even the Sessions Court rightly upheld the acquittal of Killa Singh. In the present case, there is no reason for this Court to set aside the judgments of acquittal by the trial Court and the Sessions Court because the same are neither perverse, illegal nor in any manner contrary to law.
7. Consequently, the present petition is dismissed. All pending miscellaneous applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

13.03.2026
Jyoti-II

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