

(2010) 09 P&H CK 0374

High Court Of Punjab And Haryana At Chandigarh**Case No:** Criminal A. No. 379-MA of 2009 (O and M)

Chhabeg Singh

APPELLANT

Vs

Amarjit Kaur

RESPONDENT

Date of Decision: Sept. 1, 2010**Acts Referred:**

- Criminal Procedure Code, 1973 (CrPC) - Section 372, 378(4)
- Negotiable Instruments Act, 1881 (NI) - Section 138

Hon'ble Judges: Gurdev Singh, J**Bench:** Single Bench

Judgement

Gurdev Singh, J.

Crl. Misc. No. 2740 of 2010

1. Heard.

2. In view of the reasons stated in the application, which amount to sufficient cause, the order dated 11.1.2010 is recalled and the application u/s 378(4) of the Code of Criminal Procedure and the appeal are ordered to be restored at their original number.

Crl. A. No. 379-MA of 2009

3. Heard.

4. Applicant ♦ Chhabag Singh has preferred this appeal against the judgment dated 8.5.2009 passed by Judicial Magistrate Ist Class, Fatehabad, vide which he acquitted respondents of the offences u/s 138 of the Negotiable Instruments Act. Alongwith the appeal an application u/s 378(4) of the Criminal Procedure Code has been filed for grant of leave of this Court to appeal. An amendment was made in Section 372 of the Criminal Procedure Code (hereinafter referred to as "the Code") and as per the newly added proviso to that Section a victim has the right to file an appeal against

the judgment of acquittal before the Court to which such appeal lies. After that amendment, all the appeals against the judgment of acquittal passed by the Judicial Magistrate are to be filed before the Sessions Judge. The above said amendment being an amendment in the procedure is to be read and applied retrospectively. This appeal against the acquittal is to be heard and decided by the Sessions Judge. Accordingly, the same is withdrawn from the file of this Court and is transferred to Sessions Judge, Fatehabad, for deciding the same in accordance with law.

5. The parties are directed to appear before him on 23.11.2010.