

Prem Chand vs. State of H.P. & Ors.

Cr. MP(M) No. 661 of 2026

Reserved on 14.08.2026

19.08.2026 Present: Ms Shikha Rajta, Legal Aid Counsel for the petitioner.
Mr Lokender Kutlehria, Additional Advocate General for respondent No.1/State.
Mr Narender Singh Thakur, Advocate for respondents No. 2 to 7.

The victim filed a revision against the order dated 14.11.2025 passed by learned Special Judge, Hamirpur vide which the cancellation report filed by the police was accepted and FIR No. 49 of 2022 dated 19.03.2022 registered at Police Station Bhoranj for the commission of offences punishable under Section 3(1) (r), and 3(1) (s) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities Act) (SC/ST Act) and Section 506 read with Section 34 of IPC was cancelled.

2. When the matter was listed for consideration on 23.07.2026, it was noticed that an appeal is maintainable under Section 14A of the SC/ST Act and the maintainability of the revision was highly doubtful.

3. Ms Shikha Rajta, learned Legal Aid Counsel for the petitioner, submitted that the petitioner should have filed an appeal under Section 14A of the SC/ST Act and he had wrongly filed a revision petition. However, this Court

has jurisdiction to treat the present revision as an appeal. Therefore, she prayed that the present revision be treated as an appeal. She relied upon *Joseph Stephen and others vs. Santhanasamy and others* (2022) 13 SCC 115, *Umardeen versus Additional District Judge and others* (2008) 1 All LJ 379 and *Adarsh Kumar Jha versus State of Jharkhand & Anr. Criminal Revision No. 928 of 2022* in support of her submissions.

4. Mr Lokender Kutlehria, learned Additional Advocate General for respondent No.1/State, submitted that a revision is not maintainable against the final order disposing of the proceedings by the learned Special Judge. Therefore, he submitted that the revision is not maintainable and the same be dismissed as not maintainable.

5. Mr Narender Singh Thakur, learned counsel for respondents No. 2 to 7, has adopted the submissions of Mr Lokender Kutlehria, learned Additional Advocate General for respondent No.1/State.

6. I have given considerable thought to the submissions made at the bar and have gone through the records carefully.

7. Section 14A (1) of the SC/ST Act reads that notwithstanding anything contained in the Code of Criminal Procedure, an appeal shall lie from any judgment, sentence

or order, not being an interlocutory order of a Special Court or an exclusive Special Court to the High Court, both on facts and on law. In the present case, the order was passed by the learned Special Judge, who had accepted the cancellation report and ordered the cancellation of the FIR. This order finally terminated the proceedings pending before him, and the same would be amenable to an appeal under Section 14A (1) of the SC/ST Act.

8. It was laid down by the Hon'ble Supreme Court in *Pruthvirajsinh Nodhubha Jadeja v. Jayeshkumar Chhakaddas Shah*, (2019) 9 SCC 533: (2019) 4 SCC (Civ) 638: 2019 SCC OnLine SC 1308 that mere mentioning of an incorrect provision of law is not fatal if the power to pass an order is available with the court. It was observed:

“8. It is well-settled law that mere non-mentioning of an incorrect provision is not fatal to the application if the power to pass such an order is available with the court.”

9. A similar view was taken by the Delhi High Court in *Vijay Kumar Nagpal v. Parveen Kumar Nagpal*, (2022) 1 HCC (Del) 25: 2022 SCC OnLine Del 4, wherein it was observed:

“11. Regarding the objection raised by the learned counsel for the defendant that the present application is filed under Section 151 CPC instead of under Order 9 CPC. However, under Section 151 CPC, this Court has inherent power to consider an application wherein a wrong provision is mentioned. It cannot be an obstacle to granting the relief as made out from the contents of the application, as held in the *Gotham Entertainment Group LLC case*

[*Gotham Entertainment Group LLC v. Diamond Comics (P) Ltd.*, 2009 SCC OnLine Del 4009].

12. It is trite that quoting a wrong statutory provision does not create a bar and stand in the way of considering the application, as held in the *Nitish Arora case* [*Nitish Arora v. State of Delhi*, 2007 SCC OnLine Del 142: (2007) 141 DLT 21]. Thus, on this aspect, this Court is not convinced by the contention of learned counsel for the defendant.

13. Undisputedly, the applicant plaintiff filed the present suit for partition in which he is claiming a 60% share in the suit property and recovery of Rs 86,50,000 with interest thereon, which is the subject matter of trial. However, at this stage, the claim cannot be considered as false and based on a concocted story.”

10. This Court has jurisdiction to hear the revision as well as appeal against the order passed by learned Special Judge. Therefore, mere mentioning of the wrong provision will not take away the jurisdiction of the Court. Jharkhand High Court also held in *Adarsh Kumar Jha* (supra) that when a revision has been filed, the Court has jurisdiction to convert it into an appeal. Thus, the present revision is ordered to be converted into an appeal.

(Rakesh Kainthla)
Judge

19th August, 2026
(Nikita)