



2026:HHC:25675

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr.MP(M) No.1139 of 2026
Date of Decision: 30.06.2026

Manmohan Kumar Sharma

.....Applicant

Versus

Suresh Kumar & Ors.

... Respondents

Coram:

Hon'ble Mr. Justice Sandeep Sharma, Judge.

Whether approved for reporting? ¹

For the Applicant: Mr. Vishal Singh Thakur, Advocate.

For the Respondents: Nemo.

Sandeep Sharma, Judge(oral):

Learned counsel representing the applicant-appellant fairly admits that present application accompanying criminal appeal is not maintainable before this Court, rather ought to have been filed before the learned Sessions Judge, Hamirpur, Himachal Pradesh. Since Section 413 of Bharatiya Nagrik Suraksha Sanhita provides a right to the victim to file an appeal against the judgment before the court of learned Sessions Judge, Hamirpur, Himachal Pradesh, applicant/appellant herein, who is a victim, ought not have filed appeal directly before this Court, rather the same should have been filed before the learned Sessions Judge.

¹Whether the reporters of the local papers may be allowed to see the judgment?



2. Though faced with aforesaid situation, learned counsel for the applicant-appellant seeks permission to withdraw the present application with liberty to file appropriate proceedings at appropriate stage, however, this Court, with a view to avoid further loss of time and multiplicity of litigation, deems it fit to order transfer of the present case to the court of learned Sessions Judge, Hamirpur, Himachal Pradesh, forthwith. Ordered accordingly.

3. Learned counsel for the applicant/appellant undertakes to cause presence before the learned Sessions Judge, Hamirpur, Himachal Pradesh, on 15.07.2026, enabling it to pass appropriate orders. Registry to ensure transfer of the case at hand to the concerned court on or before afore date. However photocopy of the case at hand may be retained. Pending application(s), if any, stand disposed of.

**(Sandeep Sharma),
Judge**

June 30, 2026
(sunil)