
(2021) 11 CHH CK 0017
In the Chhattisgarh High Court
Case No : Criminal Revision No. 631 Of 2012

Arun Sharma

APPELLANT

Vs

British Solanki

RESPONDENT

Date of Decision : 09-11-2021

Acts Referred:

Indian Penal Code, 1860 — Section 302, 394, 397
Code Of Criminal Procedure, 1973 — Section 372

Citation : (2021) 11 CHH CK 0017

Hon'ble Judges : Sanjay K. Agrawal, J;Arvind Singh Chandel, J

Bench : Division Bench

Advocate : Renu Kochar, Avinash Singh

Final Decision : Dismissed

Judgement

1. This criminal revision is directed against the judgment of acquittal dated 24.3.2012 passed by the Additional Sessions Judge, Durg, in Sessions Trial No.56/2011, whereby learned Additional Sessions Judge acquitted respondent No.1 herein from the charges under Sections 302, 394 and 397 of the IPC.

2. When the matter is taken-up for final hearing, Mr.Avinash Singh, learned Panel Lawyer appearing for respondent No.2/State, would submit that in view of proviso to Section 372 of the CrPC, revision would not be maintainable and appeal would be maintainable, as such, after coming into force of proviso to Section 372 of the CrPC, revision would not be maintainable.

3. Mrs.Renu Kochar, learned counsel appearing for the applicant, is not in a position to dispute the said proposition.

4. We have heard learned counsel for the parties, considered their rival submissions made hereinabove and also went through the records with utmost circumspection.

5. Section 372 of the CrPC provides as under:-

"372. No appeal to lie unless otherwise provided.-No appeal shall lie from any judgment or order of a Criminal Court except as provided for by this Code or by any other law for the time being in force:

Provided that the victim shall have a right to prefer an appeal against any order passed by the Court acquitting the accused or convicting for a lesser offence or imposing inadequate compensation, and such appeal shall lie to the Court to which an appeal ordinarily lies against the order of conviction of such Court."

6. A careful perusal of proviso to Section 372 of the CrPC would show that against order acquitting the accused, the victim is entitled to prefer an appeal, as such, revision is not maintainable.

7. Accordingly, the criminal revision is dismissed as not maintainable. However, liberty is reserved in favour of the applicant to prefer an appeal in accordance with law. Certified copy of the impugned judgment be returned to the applicant on furnishing photostat copy thereof.