

(2022) 04 MP CK 0054
In the Madhya Pradesh High Court
Case No : Criminal Appeal No. 2627 Of 2011

Mamta Bai Sen

APPELLANT

Vs

Lolare And Others

RESPONDENT

Date of Decision : 20-04-2022

Acts Referred:

Indian Penal Code, 1860 — Section 325
Code Of Criminal Procedure, 1973 — Section 372

Citation : (2022) 04 MP CK 0054

Hon'ble Judges : Dinesh Kumar Paliwal, J

Bench : Single Bench

Advocate : Jitendra Tiwari, Yadvendra Dwivedi

Final Decision : Dismissed

Judgement

Dinesh Kumar Paliwal, J

1. None has appeared for the appellant even in second round.
2. On a perusal of judgment dated 3.10.2011 passed in S.T. No.206/2010 (State of M.P. Vs. Lollare & another) under Sections 435, 506, 294 and 325/34 of IPC, it is revealed that in this case learned Trial Court has convicted the accused/ respondent No.1 for commission of offence under Section 325 of IPC and has sentenced him for a period already undergone by him in jail and fine of Rs.3000/-.
3. This is an appeal by victim/ appellant under Section 372 of Cr.P.C.
4. As per the proviso of Section 372 of Cr.P.C. 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.
5. Appeal filed by the victim is not on all the three grounds mentioned in the

proviso of Section 372 of Cr.P.C.

6. Hence, this appeal being not maintainable under Section 372 of Cr.P.C. is dismissed.