
(2011) 12 SHI CK 0369
In the High Court Of Himachal Pradesh
Case No : Criminal Appeal No. 373 of 2011

Som Raj

APPELLANT

Vs

Piar Singh and Others

RESPONDENT

Date of Decision : 19-12-2011

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 372

Citation : (2011) 12 SHI CK 0369

Hon'ble Judges : Surinder Singh, J

Bench : Single Bench

Judgement

Surinder Singh, J.—The present appeal has been filed u/s 372 of the Code of Criminal Procedure by the victim in a State case against the acquittal of the respondents in a Criminal Case No.152/II/09/09 recorded by the learned Judicial Magistrate Ist Class-I, Dharamshala, District Kangra, H.P. The State has not filed their appeal against the impugned judgment of acquittal.

2. Heard.

3. Proviso to Section 372 of the Code of Criminal Procedure provides that the "victim" shall have a right to prefer an appeal against any order acquitting the accused or convicting for a lesser offence or imposing inadequate compensation but it shall lie to the Court to which an appeal ordinary lies against the order of conviction of such Court.

4. In the case in hand, had the accused been convicted then the Court of Sessions was competent to hear and decide the appeal. Therefore, the present appeal against the acquittal by the complainant in the High Court is not maintainable, as such, it is ordered to be returned to the complainant in accordance with the procedure alongwith copy of this order to present it in the appropriate Court if so advised. The time w.e.f. 30th September, 2011, till it remained pending in this Court shall be excluded from the period of limitation.