
(2019) 11 CHH CK 0062
In the Chhattisgarh High Court
Case No : Criminal Appeal No. 25 Of 2019

Vijendra Prasad Sahu

APPELLANT

Vs

State Of Chhattisgarh Through And Ors

RESPONDENT

Date of Decision : 25-11-2019

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 372
Indian Penal Code, 1860 — Section 147, 149, 323, 341

Citation : (2019) 11 CHH CK 0062

Hon'ble Judges : Ram Prasanna Sharma, J

Bench : Single Bench

Advocate : Rk Pali, Amit Sahu, Aman Kesharwani, Pushkar Sinha

Final Decision : Dismissed

Judgement

1. The appeal filed under Section 372 of the Code of Criminal Procedure, 1973 is against judgment dated 31.10.2018 passed by Sessions Judge, Baikunthpur, Distt. Korla (CG) in Session Trial No.32/2011 wherein the said Court convicted the respondents for commission of offence under Sections 147, 341, 323 read with Section 149 of the Indian Penal Code and sentenced them to pay fine of Rs.1000/-; Rs.1000/- and Rs.500/- respectively with default stipulations.
2. Learned counsel for respondents 2 to 10 submits that respondent No.4 namely, Fulbasiya, respondent No.7 Naan Bai and respondent No.8 Dashmatiya Bai have died and their death certificates are enclosed with the file.
3. In view of the above, names of deceased respondents namely Fulbasiya, Naan Bai and Dashmatiya Bai be deleted from the array of respondents.
4. This be done during the course of the day.
5. Now the question for consideration before this Court is whether the appeal against conviction and sentence can be filed under Section 372 of CrPC. As per the provisions of Section 372 CrPC, the victim shall have a right to prefer an

appeal against any order passed by the Court acquitting the accused/ respondents or convicting for a lesser offence or imposing inadequate compensation. In the present case, the respondents were charge sheeted for offence under Sections 147, 341 and 323/149 IPC and they have been sentenced with fine. It is not a case where they have been convicted with lesser offence, it is also not a case where the respondents have been acquitted of the charges and it is also not a case where imposition of the compensation was compulsory and the same was inadequate. Therefore, appeal filed under Section 372 IPC is not maintainable.

6. Accordingly, the appeal is dismissed at the motion stage itself.