



**CRM-14406-2026 & CRM-14405-2026 in/and
CRR-872-2026**

-1-

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

273

**CRM-14406-2026 &
CRM-14405-2026 in/and
CRR-872-2026
Date of decision : 22.07.2026**

JAI SHANKAR THROUGH HIS LRS

... PETITIONERS

Versus

STATE OF PUNJAB & OTHERS

... RESPONDENTS

CORAM : HON'BLE MR. JUSTICE H.S.GREWAL

**Present:- Mr. R.S. Randhawa, Senior Advocate with
Mr. Vinay Saroha, Advocate for the petitioners.**

Mr. K.D. Sachdeva, DAG, Punjab.

H.S. Grewal, J.(Oral)

CRM-14405-2026

1. This application has been filed under Section 528 BNSS, 2023 seeking impleadment of the legal heirs of the complainant/petitioner.
2. Learned Senior counsel for the applicant/petitioner submits that petitioner has expired on 13.10.2024 and is survived by his legal representative as described in Para 2 of the application.
3. Heard.
4. For the reasons stated in the application, the same is allowed subject to all just exceptions and the legal representative of the petitioner is impleaded in the revision petition.



***CRM-14406-2026 & CRM-14405-2026 in/and
CRR-872-2026***

-2-

CRR-872-2026 (O&M)

1. The present criminal revision petition has been filed under Section 401 Cr.P.C. by the legal representatives of the original complainant, Jai Shankar (since deceased), challenging the judgment dated 02.12.2025 passed by the learned Additional Sessions Judge, Ludhiana, whereby the appeal filed by the complainant against the judgment of acquittal dated 05.12.2018 passed by the learned Judicial Magistrate First Class, Jagraon, was dismissed as having abated on account of the death of the complainant during the pendency of the appeal. The petitioners have also challenged the order of the same date whereby their application seeking substitution as legal representatives of the deceased complainant and permission to continue the appeal was dismissed as not maintainable.

2. The case of the prosecution is that the complainant, Jai Shankar, had taken two acres of land on lease from Inder Singh in the year 1978, where he was running a brick kiln. According to the complainant, he regularly paid the lease amount to Inder Singh and, after his death, continued making the payments to his son, Major Singh. It was alleged that on 19.01.1991, an exchange of land took place between the complainant and Major Singh, whereby the land on which the brick kiln was situated came to the complainant, while the complainant transferred his own land in favour of Major Singh. The complainant claimed that by virtue of the said exchange, he became the owner and remained in possession of the brick kiln land. It was further alleged that despite having full knowledge of the said exchange and the complainant's possession, Harjit Singh, in conspiracy with the other accused, fraudulently got



***CRM-14406-2026 & CRM-14405-2026 in/and
CRR-872-2026***

-3-

the same land transferred in the names of Major Singh, Jagraj Singh, Santokh Singh and thereafter in favour of Gurpreet Singh and Harpreet Singh. Therafter, the complainant/petitioner got registered FIR No.37 dated 01.06.2012 under Sections 420, 447, 511 and 120-B IPC at Police Station Sudhar, District Ludhiana. However, the learned Judicial Magistrate First Class, Jagraon, vide judgment dated 05.12.2018 acquitted all the accused/respondents No.2 to 7. The complainant preferred an appeal against the acquittal, but during the pendency of the appeal he expired on 13.10.2024 and the application filed by his legal representatives seeking substitution as well as the appeal was dismissed by the learned Additional Sessions Judge, Ludhiana vide the impugned judgment.

3. Learned Senior counsel for the petitioners submits that the lower Appellate Court has erred in dismissing the appeal as the petitioners, being the widow and son of the deceased complainant, are his legal representatives and also fall within the definition of "victim" under the provisions of the BNSS. It is submitted that the right to challenge the acquittal in a case involving allegations of cheating, criminal conspiracy and illegal transfer of property does not come to an end merely because the complainant has died. It is further submitted that the application for substitution has been dismissed without examining whether the cause of action survived to the legal representatives or not. As per the case of the prosecution, the criminal proceedings arise out of an alleged fraudulent transfer of immovable property affecting the estate of the deceased complainant and, therefore, the legal representatives have a direct and substantial interest in pursuing the proceedings. It is also submitted that the



**CRM-14406-2026 & CRM-14405-2026 in/and
CRR-872-2026**

-4-

complainant had established his long-standing possession over the land through the brick kiln licence, revenue records, electricity and telephone connections and the testimony of official witnesses. It is further submitted that the findings recorded by the Trial Court are based on misreading of evidence and have resulted in miscarriage of justice. It is, therefore, prayed that the impugned orders dated 02.12.2025 be set aside and the matter be decided in accordance with law.

4. *Per contra*, learned State counsel, while supporting the impugned orders, submits that the appeal preferred by the original complainant stood abated upon his death and the learned Additional Sessions Judge has rightly held that there is no provision under the Cr.P.C. permitting substitution of the legal representatives in an appeal filed by a complainant against an order of acquittal. It is, accordingly, prayed that the present revision petition be dismissed.

5. I have heard learned counsel for the parties and have carefully gone through the record.

6. The sole question which arises for consideration in the present revision petition is whether the legal representatives of a deceased complainant, who falls under the definition of "victim" under the provisions of Cr.P.C., are entitled to continue an appeal against an order of acquittal after the death of the original complainant.

7. Faced with the situation, learned Senior counsel for the petitioner has relied upon the judgment in the case of **Khem Singh (D) through LRs vs. State of Uttaranchal (now State of Uttarakhand) and another, 2025 INSC**



**CRM-14406-2026 & CRM-14405-2026 in/and
CRR-872-2026**

-5-

1024, wherein the Hon'ble Supreme Court, while considering the scope of the proviso to Section 372 Cr.P.C., has held that the right conferred upon a victim to prefer an appeal against acquittal is an independent statutory right and is not dependent upon the remedy available to a complainant under Section 378(4) Cr.P.C. It has further been held that the legal heir of a victim is entitled to continue the proceedings and seek substitution upon the death of the victim.

The relevant observations read as under:-

“9.1 As already noted, the proviso to [Section 372](#) CrPC was inserted in the statute book only with effect from 31.12.2009. The object and reason for such insertion must be realised and must be given its full effect to by a court. In view of the aforesaid discussion, we hold that the victim of an offence has the right to prefer an appeal under the proviso to [Section 372](#) CrPC, irrespective of whether he is a complainant or not. Even if the victim of an offence is a complainant, he can still proceed under the proviso to [Section 372](#) CrPC and need not advert to sub-section (4) of [Section 378](#) CrPC.

9.2 We find that on the recommendation made by the Law Commission, the Parliament inserted the proviso in order to give an independent right to a victim to prefer an appeal under the circumstances mentioned under the proviso. This is de hors an appeal that could be filed by the complainant under [Section 378\(4\)](#) CrPC. The object and purpose of giving an independent right to a victim to prefer an appeal is particularly in a case where a complainant may not file an appeal and the State also would decide not to prefer an appeal as against the acquittal or award of a lesser sentence to an accused. If we bear in mind the object with which the amendment has been made by the Parliament, we find that the victim has every right to prefer an appeal as against a conviction for a lesser offence or for imposing inadequate



**CRM-14406-2026 & CRM-14405-2026 in/and
CRR-872-2026**

-6-

compensation or even in the case of an acquittal of an accused as stated in the proviso to [Section 372](#) CrPC. There is no doubt that in the instant cases they are cases of acquittal of the accused by the High Court.

xxxx

11.6 In the circumstances, we find that in the instant case, the applicant, being heir of the victim, has the right to continue these appeals irrespective of the fact that he is an injured victim. In that view of the matter also, we find that the application for substitution has to be allowed.”

8. It is apparent from the perusal of the impugned order that the learned Additional Sessions Judge, Ludhiana dismissed the appeal merely on the ground that the original complainant had expired during its pendency and there is no provision for substitution of his legal representatives. The Court did not examine whether the petitioners, being the widow and son of the deceased complainant, could independently claim the status of "victims" or the legal heirs are entitled to prosecute the appeal. The allegations in the present case pertain to an alleged fraudulent transfer of immovable property, which, according to the prosecution, directly affected the proprietary rights and estate of the deceased complainant. Therefore, in view of the law laid down by the Hon'ble Supreme Court in **Khem Singh's case (supra)**, the impugned order is unsustainable and is liable to be set aside.

9. Consequently, the present revision petition is allowed. The impugned judgment and order dated 02.12.2025 passed by the learned Additional Sessions Judge, Ludhiana, whereby the appeal filed by the complaint has been dismissed as having abated and the application for substitution of the legal representatives of the deceased complainant has been



**CRM-14406-2026 & CRM-14405-2026 in/and
CRR-872-2026**

-7-

rejected, are hereby set aside. The matter is remanded to the learned Additional Sessions Judge, Ludhiana, to decide the appeal afresh on merits in accordance with law and in the light of the principles laid down by the Hon'ble Supreme Court in **Khem Singh's case (supra)**.

10. The parties are directed to appear before the learned Additional Sessions Judge, Ludhiana, on 31.07.2026 at 10:00 AM.

11. Pending application, if any, shall stand disposed of accordingly.

22.07.2026
Sonia

(H.S.GREWAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No