

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

CRA-D-1802-DB-2014

Date of decision: 12.1.2015

Rajwinder Singh

..... Appellant

VERSUS

State of Punjab and ors.

..... Respondents

**CORAM: HON'BLE MR. JUSTICE S.S. SARON
 HON'BLE MR. JUSTICE GURMIT RAM**

**Present: Mr. Piyush Sharma, Advocate
 for the appellant.**

S.S. SARON, J.

This appeal has been filed by Rajwinder Singh son of complainant Lakha Singh who is the victim in the case assailing the acquittal of Asha Rani (respondent No.2) and for enhancing the sentences imposed on Bagicha Singh and Gurbaksh Singh (respondents No.3 and 4).

During the course of hearing, learned counsel for the appellant accepts that the appeal against inadequate sentences imposed on Bagicha Singh and Gurbaksh Singh (respondents No.3 and 4) would not be maintainable in terms of the proviso to Section 372 of the Code of

Criminal Procedure as the said proviso envisages a right to the victim to prefer an appeal against an order passed by the Court acquitting the accused or convicting for a lesser offence or imposing inadequate compensation. The same does not provide for an appeal against inadequate sentences.

Insofar as Asha Rani (respondent No.2) is concerned it is the accepted case of the prosecution that no specific attribution has been made to her so as to attract her liability in the case. The mere claim of the prosecution that she had joined the assailants empty handed it was held was not sufficient so as to spell out her involvement in the alleged offence.

Learned counsel submits that in the circumstances and without prejudice to the rights of the appellant, he may be allowed to withdraw the appeal.

Accordingly the present appeal is dismissed as withdrawn.

(S.S. SARON)
JUDGE

(GURMIT RAM)
JUDGE

12.1.2015
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