

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CRA-D-682-DB-2015 (O&M)

Date of decision: September 08, 2015.

Consortium of Indian Farmers Association

... **Appellant**

v.

Swaran Singh Dhillon and others

... **Respondents**

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. Whether to be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

CORAM: **HON'BLE MR. JUSTICE HEMANT GUPTA**
HON'BLE MRS. JUSTICE RAJ RAHUL GARG

Present: Shri Charanjit Sharma, Advocate, for the appellant.

Hemant Gupta, J. (oral)

The present appeal has been preferred by Consortium of Indian Farmers Association, a body registered in the year 2006, against an order passed by Additional Sessions Judge, Patiala acquitting the accused for an offence under Section 420, 467, 468, 471, 218, 120-B IPC, read with Section 13 of Prevention of Corruption Act, 1988.

When the appeal came up for hearing before this Court on 20th August, 2015, Counsel for the appellant sought some time to find out as to whether the appellant is a victim who can maintain an appeal against an order of acquittal of the accused.

Learned Counsel for the appellant has vehemently argued that the appellant has no personal interest and has invoked the jurisdiction of

this Court in the interest of the farmers, therefore, the appellant is entitled to file the present appeal.

As per Section 2(wa) of the Code of Criminal Procedure, 1913 as amended by Central Act No.5 of 2009, victim is a person who has suffered loss or injury. Section 2(wa) of the Code reads as under:-

“victim” means a person who has suffered any loss or injury caused by reason of the act or omission for which the accused person has been charged and the expression “victim” includes his or her guardian or legal heir;”

The Association, such as the appellant, may be a juristic person but it has not suffered any loss or injury. Status of the appellant as a juristic person is distinct from the loss or injury of its members. Prosecution was launched against the accused for misappropriation of the amount of subsidy without fertilizer being manufactured.

Therefore, the appellant cannot be said to be a person who has suffered loss or injury which may entitle the Association to file an appeal against order passed by the learned Additional Sessions Judge.

In view of the above, present appeal is dismissed as not maintainable.

[Hemant Gupta]
Judge

[Raj Rahul Garg]
Judge

September 08, 2015.
kadyan