

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

Crl. Appeal-D No. 701-DB of 2015

Date of Decision: July 16 , 2015.

Gurdev Singh

..... APPELLANT (s)

Versus

State of Punjab and another

..... RESPONDENT (s)

**CORAM:- HON'BLE MR.JUSTICE HEMANT GUPTA
HON'BLE MRS.JUSTICE LISA GILL**

Present: Mr. J.S.Bedi, Senior Advocate with
Mr. Lovekirat S.Chahal, Advocate
for the appellant.

LISA GILL, J.

Instant appeal has been preferred by Gurdev Singh son of Malkiat Singh for the enhancement of sentence imposed upon respondent No.2 – Sukhdeep Singh @ Jofi.

Respondent No.2 – Sukhdeep Singh @ Jofi has been convicted for the offences punishable under Sections 307/325 read with Section 34 IPC by the learned Additional Sessions Judge, Ludhiana and sentenced to undergo rigorous imprisonment for five years, besides, pay a fine of ₹1,000/- and in default thereof, to undergo rigorous imprisonment for five days for offence under Section 307/34 IPC and to undergo rigorous imprisonment for one year, besides, pay a fine of ₹500/- and in default thereof, to undergo rigorous imprisonment for

two days for offence under Section 325/34 IPC.

Appellant – Gurdev Singh, who claims to have suffered a Gandasi blow on his right hand has preferred this appeal in which the sole prayer is for enhancement of sentence imposed upon respondent No.2.

Section 372 Cr.P.C. reads as under:-

“372. No appeal to lie unless otherwise provided. –

No appeal shall lie from any judgment or order of a Criminal Court except as provided for by this Code or by any other law for the time being in force

Provided that the victim shall have a right to prefer an appeal against any order passed by the Court acquitting the accused or convicting for a lesser offence or imposing inadequate compensation, and such appeal shall lie to the Court to which an appeal ordinarily lies against the order of conviction of such Court.”

It is, thus, clear in terms of proviso to Section 372 Cr.P.C. that a victim as defined under Section 2 (wa) has a right to appeal against any order passed by the court (i) acquitting the accused or (ii) convicting for a lesser offence or (iii) imposing inadequate compensation. It does not contemplate filing of an appeal against an inadequate sentence.

Even otherwise, we feel that the trial court has exercised its discretion judiciously while imposing the sentence upon the accused after taking into account are the attending circumstances of the case. There is no glaring illegality or perversity therein.

Consequently, this appeal is dismissed.

(**HEMANT GUPTA**)
JUDGE

(**LISA GILL**)
JUDGE

July 16 , 2015.