

IN THE PUNJAB & HARYANA HIGH COURT AT CHANDIGARH

CRM-A-1214-MA-2010

Date of decision : 19.01.2015

Sneh Lata

... Appellant

Versus

Mahender Singh and others

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr.Mani Ram Verma, Advocate
for the appellant.

Mr.Narender Kaajla, Advocate
for respondents No.1 to 3.

Mr.Rajesh Gaur, Addl. A. G.Haryana.

REKHA MITTAL, J.

The present appeal has been directed against the judgment dated 15.07.2010 passed by the Additional Sessions Judge, Bhiwani whereby the appeal preferred by the State of Haryana against the judgment dated 12.03.2007 passed by the trial Court acquitting the accused-respondents of the offence punishable under Section 498-A and 406 of the Indian Penal Code (in short 'IPC') was dismissed and the findings recorded by the trial Court were affirmed.

The primary question for consideration is whether the complainant-victim can maintain an appeal under Section 378 of the Code of Criminal Procedure (in short 'Cr.P.C.') against the judgment passed by the Ist appellate Court i.e. Court of Sessions, in other words whether the second

appeal is maintainable against the judgment of acquittal in a police case. Section 372 Cr.P.C. says that no appeal shall lie from any judgment or the order of a criminal Court except as provided for by this Code or by any other law for the time being in force.

Counsel for the appellant has failed to point out any such provision in Cr.P.C. or under any other law for the time being in force which entitles the victim to file second appeal against the judgment of acquittal. In this view of the matter, I am of the considered opinion that the appeal preferred by Sneh Lata is not maintainable and the same is accordingly dismissed.

(REKHA MITTAL)
JUDGE

January 19, 2015.

DK