

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

**Criminal Appeal D-786-DB of 2015
Date of Decision: January 20, 2016**

Raghwinder Singh	Versus	Appellant
State of Punjab and others		 Respondents

**CORAM : HON'BLE MR. JUSTICE T.P.S.MANN
HON'BLE MR. JUSTICE RAMENDRA JAIN**

Present : Mr. Saurav Khurana, Advocate with
Mr. Sumeet Puri, Advocate for the appellant.

T.P.S.MANN, J.

Appellant Raghwinder Singh, who had received injuries in the occurrence in question and thus, a 'victim' as defined under Section 2(wa) of the Code of Criminal Procedure, has filed the present appeal for challenging the judgment and order dated 30.4.2015 passed by the Additional Sessions Judge (III), Sangrur.

Vide impugned judgment and order, the trial Court acquitted Rajinder Singh and Ajaib Singh, respondents No. 4 and 5, herein, of the charges under Sections 148, 307, 326, 324, 323, 397 read with Section 149 IPC and Section 25 of the Arms Act. At the same time, respondents No. 2, 3 & 6, namely, Surinder Singh @ Billa, Sandeep Singh and Raju Kumar were convicted

under Sections 326/324/323/34 IPC and sentenced to undergo imprisonment for three years each.

Learned counsel for the appellant has submitted that Rajinder Singh and Ajaib Singh have wrongly been acquitted of the charges against them. However, on perusal of the impugned judgment passed by the trial Court, it is made out that though Rajinder Singh was said to be present at the spot and armed with an iron rod yet he was not attributed causing of any injury. Similarly, Ajaib Singh, who was said to be present at the spot, was not armed with any weapon. Only role attributed to him was of raising lalkara. For these reasons, no case is made out for any interference in the impugned judgment to the extent of acquitting Rajinder Singh and Ajaib Singh of the charges against them.

Learned counsel for the appellant has submitted that the sentences of imprisonment awarded to Surinder Singh @ Billa, Sandeep Singh and Raju Kumar are on the lower side and ought to be enhanced to ten years. Even the sentence of fine imposed upon the said three convicts deserves to be enhanced. However, proviso to Section 372 Cr.P.C. does not give right of appeal to the 'victim' in order to seek enhancement of sentences of imprisonment and fine imposed upon the convicts by the trial Court. Right of appeal vests in the 'victim' only if the accused stands acquitted or convicted for a lesser offence or for

enhancement of compensation.

Faced with the above, learned counsel for the appellant submits that he may be allowed to withdraw the appeal in so far as it pertains to prayer for enhancement of sentences of imprisonment and fine of Surinder Singh @ Billa, Sandeep Singh and Raju Kumar with liberty to the appellant to avail any other remedy.

The appeal, insofar as it involves challenge to the acquittal of Rajinder Singh and Ajaib Singh, respondents No. 4 and 5, is dismissed whereas the appeal regarding enhancement of sentences of imprisonment and fine of respondents No. 2, 3 and 6, namely, Surinder Singh @ Billa, Sandeep Singh and Raju Kumar is dismissed as withdrawn with liberty to the appellant to seek any other remedy, if available, under the law.

**(T.P.S. MANN)
JUDGE**

January 20, 2016
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**(RAMENDRA JAIN)
JUDGE**