

Cra1042.15In the High Court of Punjab and Haryana at Chandigarh

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Criminal Appeal No.S-1042-SB of 2015

.....

Date of decision:12.2.2016

Ravinder Kumar

...Appellant

v.

State of Haryana and others

...Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. J.P. Sharma, Advocate for the appellant.

Mr. D.R. Singla, Deputy Advocate General, Haryana for
the respondent-State.

Mr. Zorawar Singh, Advocate for Mr. N.S. Shekhawat,
Advocate for respondents No.2 to 5.

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Inderjit Singh, J.

This criminal appeal has been filed by Ravinder Kumar-
appellant for enhancement of the sentence and for grant of compensation.

Notice of motion was only issued regarding grant of
compensation and the appeal regarding enhancement of sentence was
dismissed by this Court vide order dated 29.9.2015 as per proviso attached
to Section 372 Cr.P.C., which is 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.”

In view of the proviso attached to Section 372 Cr.P.C., no appeal for enhancement of sentence is maintainable by the victim. Therefore, the same was dismissed.

A perusal of the above proviso also shows that the appeal under Section 372 Cr.P.C. by the victim is maintainable only for enhancement of the compensation and not for the grant of compensation.

In the present case, it is argued that no compensation has been granted by the trial Court. Therefore, when the compensation has not been granted, there is no ground for filing the appeal for enhancement of the same on the ground of inadequate compensation. It is also held by the Division Bench of this Court in Raj Singh and others v. State of Punjab and others, (CRA-D-779-DB of 2014, decided on 02.09.2014).

Therefore, in view of the law laid down by the Division Bench of this Court in the above mentioned case, this appeal is not maintainable. Hence the criminal appeal is dismissed.

February 12, 2016.

(Inderjit Singh)
Judge

hsp