

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 470 of 2017

Krishna Kumar Dhuri, S/o. Late Tirath Ram Dhuri, Aged About 41 Years,
R/o. Lodhipara Old Sarkanda, Police Station Sarkanda, Tahsil & District
Bilaspur, Chhattisgarh.

---- Applicant

Versus

Smt. Santoshi Dhuri, D/o. Shri Mohan Singh, Aged About 30 Years, R/o.
Shitlapara, Ram Nagar, Police Station Gudhiyari, District Raipur,
Chhattisgarh

---- Respondent

For Applicant : Mr. Sandeep Yadav, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

23.08.2017

Heard

1. The instant revision is preferred against the order dated 08.02.2017 passed by the Additional Sessions Judge, Raipur, in Criminal Appeal No.44/2015.
2. The brief facts of this case are that on a complaint filed by Krishna Kumar Dhuri, Applicant herein, the J.M.F.C. Raipur, in Criminal Case No.1161/2011 by an order dated 05.02.2015 had acquitted the Respondent under Section 209 & 211 of I.P.C. Against that order, an appeal was preferred before the Additional Sessions Judge, Raipur, under Section 372 of Cr.P.C. and the Additional Sessions Judge dismissed the appeal as not maintainable by following the law laid down in case of ***Kailash Murarka v. K. Geet Srijan***.
3. Perused the order and case of ***Kailash Murarka v. K. Geet Srijan***, which was decided on 24.02.2015 wherein it was held accordingly.

“Thus, we hold and answer the stated question as follows :

1. Complainant is not entitled to prefer an appeal under proviso to Section 372 of the Code before the Court of Session against the judgment of acquittal passed by subordinate criminal court arising out of criminal complaint filed by complainant;

2. Complainant is required to prefer an appeal under Section 378(4) of the Code before the High Court after obtaining special leave.”

4. Therefore, in view of such law laid down, the revision is not maintainable, accordingly, it is dismissed. The applicant shall be at liberty to seek remedy as available to him under the law.

Sd/-
(Goutam Bhaduri)
Judge