

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (DB) No.414 of 2018

Arising Out of PS.Case No. -10 Year- 1997 Thana -LAHERIMUHALLA District- NALANDA
(BIHARSHARIFF)

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Shankar Sharma @ Shankar Thakur

.... Appellant/s

Versus

The State of Bihar & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Anil Kumar

For the Respondent/s : Mr. Sri Shivesh Chandra Mishra

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA

and

HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA)

5 24-09-2018 Heard learned counsel appearing for the appellant as well as learned Additional Public Prosecutor for State and also learned counsel appearing for respondent nos. 2 to 5 on the point of admission and I. A. No. 1128 of 2018.

I. A. No. 1128 of 2018 has been filed under Section 378(3) of Cr. P. C for grant of leave to file this criminal appeal.

The appellant is neighbour of injured Chhote Yadav @ Bhairao Yadav and he has prayed for grant of leave to file this criminal appeal. Admittedly, the injured has neither been examined before the trial court nor has preferred any petition for grant of leave to file criminal appeal against the impugned judgment.

The proviso of Section 372 of Cr. P. C says 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.”

Section 2(wa) of the aforesaid code, defines the word victim and says that:

“Victim” means a person who has suffered any loss or injury caused by reason of the act or omission for which the accused person has been charged and the expression “victim” includes his or her guardian or legal heir.”

Admittedly, the appellant is neither victim nor the relative of victim of the present case, and, therefore, we are of the opinion that the appellant has no locus standi to challenge the Judgment of acquittal.

In view of the aforesaid discussion, I. A. No. 1128 of 2018 stands rejected, and, accordingly, this Criminal Appeal stands disposed of.

N.K/-

(Hemant Kumar Srivastava, J)

(Rajendra Kumar Mishra, J)

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