

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (DB) No.737 of 2018

Arising Out of PS. Case No.-319 Year-1999 Thana- BARH District- Patna

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Bipin Raut @ Bipin Kumar, Son of Ram Sharan Raut, Resident of Village-
Bagha Tilha, Police Station- Belchi, District- Patna.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Parikshan Paswan, Son of Devnath Paswan, Resident of Village- Ahirawan,
Police Station- Belchi, District- Patna.
3. Mahesh Singh, Son of Late Munna Singh,
4. Ashok Singh, Son of Dinesh Singh,
5. Balmiki Singh, Son of Baijnath Singh,
6. Ajai Singh, Son of Late Rajendra Singh, null
7. Ashok Singh, Son of Mugeshwar Singh,
8. Tarun Singh @ Arun Singh, Son of Late Parsadi Singh,
9. Anshuman Singh, Son of Late Jagdish Singh,
10. Sachidanand Singh, Son of Late Baijnath Singh,
11. Bipin Singh, Son of Arjun Singh,
12. Jitendra Singh, Son of Mahesh Singh, All the respondent Nos. 3 to 12 are
resident of Village- Bagha Tilha, Police Station- Belchi, District- Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Md. Najmul Hodda, Advocate.
For the Respondent/s : Mr. Sri Ajay Mishra, APP

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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)**

3 05-09-2018

1. The appellant was witness in Sessions Trial No. 73 of
2001 and he was examined in the aforesaid Sessions Trial No. 73
of 2001 as P.W.3, but learned Additional Sessions Judge-I, Barh,
Patna, vide Judgment dated 22.03.2018 acquitted the private
respondent nos. 2 to 12. The appellant preferred the present appeal



and also filed Interlocutory Application No. 2309 of 2018, under Section 378(3) of the Code of Criminal Procedure, praying therein for grant of leave to prefer this appeal.

2. The proviso of Section 372 of the Criminal Procedure Code, 1973, says that the victim shall have a right to prefer an appeal against the order of acquittal. The victim has been defined under Section 2 (wa), which 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 heirs. Therefore, the aforesaid definition of victim goes to show that the appellant does not come under the proviso of victim, as defined in Criminal Procedure Code and, therefore, we are of the opinion that the appellant has no locus standi to challenge the impugned Judgment of acquittal.

3. Accordingly, on the basis of the aforesaid discussions, this criminal appeal stands dismissed being not maintainable and, accordingly, Interlocutory Application No. 2309 of 2018 is also dismissed.

(Hemant Kumar Srivastava, J)

Bhardwaj/-

(Rajendra Kumar Mishra, J)

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