

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Acquittal Appeal No.131 of 2011**

- Pramila Devi Sharma W/o Narendra Sharma (Blind), R/o Village Moharenga, Thana Bemetara, Tahsil Bemetara, Distt.-Durg, C.G.

---- Appellant**Versus**

- Chowa Ram Sahu, S/o. Ram Ratan Sahu, aged about 30 years, R/o. Village Moharenga, Thana Bemetra, Tahsil Bemetra and Distt. Durg (CG)

---- Respondent

 For the appellant : Shri Curtis Collins, Advocates
 For the respondent : None

Hon'ble Shri Justice Ram Prasanna Sharma
Judgment On Board

12.11.2018.

1. This acquittal appeal has been preferred against judgment dated 10.8.2011 passed by Additional Sessions Judge, Bemetara, Session Division Durg in Criminal Appeal No.36/2011 wherein the said Court convicted the respondent for commission of offence under Sections 354 and 456 of the Indian Penal Code and sentenced him to undergo the period already undergone by him and to pay fine of Rs.1000/- & Rs.1500/- respectively with default stipulations.

2. Now the point for consideration before this Court is whether this acquittal appeal is maintainable under Section 372 of the Code of Criminal Procedure. As per Section 372 of the CrPC victim shall have appeal against any order passed by the Court acquitting the respondent or convicting for a lesser offence or

imposing inadequate compensation. In the present case, the lower Court has not acquitted the respondent on any of the charges and has also not convicted for any lesser offence in which the respondent was charged. It is also not a case of inadequate compensation. Therefore, Section 372 of CrPC will not apply in the present case.

3. Consequently, the acquittal appeal is dismissed as not maintainable.

**Sd/-
(Ram Prasanna Sharma)
JUDGE**