

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL APPEAL (DB) No.837 of 2019

Arising Out of PS. Case No.-177 Year-2009 Thana- GARDANIBAG District- Patna

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ASHOK KUMAR SRIVASTAVA, aged about 68 years, Gender Male, Son of Late H. Laxman, Resident of Flat No.304, Lilawati Apartment, Jhunjhun Mahal, P.S-Gardanibagh, District-Patna.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Kumar Amit, aged about 37 years, Gender – Male, Son of Vinod Kumar Sinha, Resident of Mohalla-Jhunjhun Mahal, P.S.-Gardanibagh, District-Patna.
3. Bhavna Kumari, aged about 29 years, Gender – Female, Daughter of Vinod Kumar Sinha, Resident of Mohalla-Jhunjhun Mahal, P.S.-Gardanibagh, District-Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Ranjeet Kumar
For the Respondent/s : Mr.Shiwesh Chandra Mishra

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
and
HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA)

Date : 06-08-2019

Heard learned counsel for the appellant as well as learned Additional Public Prosecutor for the State on the point of admission.

The present appeal has been filed by appellant, who



is informant in Gardanibagh P.S. Case No. 177 of 2009 corresponding to S.T. No. 1204 of 2010, against the sentence order dated 31.5.2019 on the ground that inadequate sentence has been awarded to respondent Nos. 2 and 3 and also inadequate compensation has been given to the appellant.

The proviso of Section 372 of Code of Criminal Procedure gives right to victim to prefer an appeal against any order passed by the court acquitting the accused or convicting for a lessor offence or imposing inadequate compensation. The aforesaid proviso does not say about the enhancement of sentence. Section 377 of the Code of Criminal Procedure gives right to State Government to prefer an appeal against inadequate sentence. The proviso of Section 372 of Code of Criminal Procedure clearly shows that the victim has no right to file the appeal for enhancement of sentence. However, the victim has right to file appeal against inadequate compensation.

In the present appeal, Rs. Two lacs compensation has been awarded. The appellant wants to enhance of aforesaid compensation but we do not find any ground for enhancement of compensation.

In the aforesaid circumstance, this appeal stands



dismissed on admission stage itself.

(Hemant Kumar Srivastava, J)

(Prabhat Kumar Singh, J)

Spd/-

AFR/NAFR	AFR
CAV DATE	NA
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