

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 607 of 2014

Madan Lal, S/o. Bhakturam, Aged About 50 Years, R/o. Pagri, Out Post
Machadur, P.S. Utai, Civil & Revenue Distt. Durg, Chhattisgarh

---- **Petitioner**

Versus

1. S.N.Singh, S/o. Late Rajeshwar Singh, Aged About 50 Years, Occupation-
Service, A.S.I. Out Post Machadur, P.S. Utai, Civil & Revenue Distt. Durg,
Chhattisgarh
2. Tiharu Ram, S/o. Ramu Marar, Aged About 54 Years, R/o. Mudpar, P.S.
Utai, Civil & Revenue Distt. Durg, Chhattisgarh
3. State Of Chhattisgarh, Through District Magistrate Durg, Distt. Durg,
Chhattisgarh

---- **Respondents**

For Petitioner	:	Mr. Anurag Khatri, Advocate
For Respondents No.1	:	Mr. Praveen K. Dhurandhar, Advocate
For Respondent No.3	:	Mr. Aditya Sharma, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

25.01.2019

Heard

1. By this petition the order dated 30.04.2014 is assailed which is an
order passed in the revision acquitting the respondent No.1.
Primarily therefore petition is against such order and further
against the proceeding whereby the trial against the respondent
No.2 is continued. The continuation of trial is not under any
challenge.
2. The order when perused, it is an order of discharge acquitting the
Respondent No.1 from the charges. Therefore prima facie it being
an appeal will lie under sub-section 4 of Section 378 of Cr.P.C.
3. As per sub-section (4) of Section 378 of Cr.P.C. if an order of
acquittal has been passed in any case instituted upon complaint,

then the complainant may file an appeal after grant of special leave to appeal against an order of acquittal. The word such an order of acquittal appears in sub-section (4) is controlled by clause (b) of sub-section (2) and sub-section (1) of Section 378 of the Code. Therefore, the instant petition is not maintainable and accordingly is dismissed.

Sd/-
(Goutam Bhaduri)
Judge