

HIGH COURT OF CHHATTISGARH, BILASPUR**WPCR No. 184 of 2021**

- Mehatarin Khandelwal W/o Chaitram Khandelwal Aged About 69 Years
R/o 10/1143, Sector-1, Near Dharam Kiraya Bhandar, Shivanand Nagar,
Khamtarai-2, Raipur District Raipur Chhattisgarh ---- **Petitioner**

Versus

1. State of Chhattisgarh Through The Secretary, Department Of Home (Police), Mahanadi Bhawan, Mantralaya, Atal Nagar, Nawa Raipur District Raipur Chhattisgarh
2. The Director General Of Police Police Head Quarters, Raipur District Raipur Chhattisgarh
3. The Inspector General Of Police Raipur Range, Raipur District Raipur Chhattisgarh
4. Superintendent Of Police Raipur S. P. Office, Raipur District Raipur Chhattisgarh
5. Station House Officer Police Station Mujgahan, Raipur District Raipur Chhattisgarh
6. Jyoti Khandelwal W/o Late Rajendra Khandelwal Aged About 40 Years
R/o House No. 292, Ward No. 13, Village Boriyakala, Tahsil And District Raipur Chhattisgarh
7. Tilak Manhare S/o Late Sadhelal Manhare Aged About 36 Years R/o
Village Jamgaon, Police Station Saja, District Bemetar Chhattisgarh
8. Sambodhan @ Konda Diwakar S/o Gyanik Diwakar Aged About 28
Years R/o Village Dewada, Police Station Berla, District Bemetara Chhattisgarh ---- **Respondents**

For petitioner	:	None appears.
For State	:	Mr. Devendra Pratap Singh,Dy.A.G.

Hon'ble Shri Justice Narendra Kumar Vyas

Order on Board**13-07-2021**

1. On 22-6-2021 when this case was called for hearing twice, none appeared for the petitioner nor any representation was made.

Today also when the matter was called twice none appears for

the petitioner nor any representation was made.

2. From the record, it appears that the petitioner is aggrieved with the order dated 2-11-2019 passed by learned 6th Additional Sessions Judge, Raipur in Sessions Trial No. 173 of 2018 whereby respondents No.7 & 8 have been acquitted from the charges leveled against them under Section 302 of IPC.
3. The petitioner being a complainant has remedy of filing an appeal under Section 372 of Cr.P.C 1973.. Section 372 of Cr.P.C is reproduced as under:

"Section 372 in The Code Of Criminal Procedure, 1973. . **No appeal to lie, unless otherwise provided.** No appeal shall lie from any judgment or order of a Criminal Court except as provided for by this Code or any other law for the time being in force.

Provided 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".

4. In view of the above, the instant petition is disposed of with liberty granted in favour of the petitioner to file an appeal under Section 372 of Cr.P.C.

Sd/-

(Narendra Kumar Vyas)
Judge

Raju