

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No.1243 of 2016**

- Chandu Lal Ahuja S/o Late Nutan Das @ Nutan Mal Ahuja, Aged About 50 Years R/o Baikunth Nagar, Camp 2, In Front Of Sahu Wooden Toll, Bhilai, District Durg, Chhattisgarh., Chhattisgarh

---- Petitioner**Versus**

1. Pinky @ Raman Sahni Shri Suraj Prakash Sahni, Aged About 53 Years R/o Camp 2, Sharda Para, Police Station Chhawani, District Durg, Chhattisgarh., Chhattisgarh
2. State Of Chhattisgarh Through Police Station Chhawani, District Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Respondents**Present:-**

Shri Pawan Kesharwani, counsel for applicant.
Smt. Fouzia Mirza, Additional AG for State.

**Division Bench: Hon'ble Shri Justice Manindra Mohan Shrivastava &
Hon'ble Smt. Justice Vimla Singh Kapoor
Order On Board**

11/01/2021

1. The present application (CRMP) has been filed seeking leave to file an appeal against judgment of acquittal dated 16-05-2008 passed by the Second Additional Sessions Judge, Durg in Sessions Trial No.132 of 2006, by which, respondent/accused-Pinky@ Raman Sahni has been acquitted.
2. Learned counsel for the applicant would argue that though, after coming into force the provision of remedy of appeal by adding proviso to Section 372 by amendment in the year 2013, right of appeal has been conferred on the victim as defined under Section 2(w)(a) of the Cr.P.C.
3. In the present case, respondent-accused was acquitted of the charges by the trial Court after full-fledged trial vide impugned judgment dated 16-05-2008

passed by the Second Additional Sessions Judge, Durg in Sessions Trial No.132 of 2006. At that time, there was no provision of appeal by the victim. The provision relating to remedy of appeal by the victim was added in the year 2013 through amendment by adding proviso to Section 372 of the Cr.P.C.

4. The present applicant claims to be father of the deceased. We also notice that brother of the victim had earlier filed criminal revision bearing Registration No.589 of 2008, which was dismissed by the Division Bench of this Court vide order dated 10-09-2015. Even though, dismissal of the revision petition would not come in the way of the applicant for other reasons which have been stated (supra), in our considered opinion, at the instance of the applicant, the appeal is not maintainable under the law.

5. In view of above, the present application (Cr.M.P.No.1243 of 2016) itself is misconceived in law and therefore, dismissed.

SD/-
(Manindra Mohan Shrivastava)
Judge

SD/-
(Vimla Singh Kapoor)
Judge