



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

and

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Crl.A.(MD)No.237 of 2022

Sivakumar

...Appellant / Defacto Complainant

Vs.

State rep. by
Inspector of Police,
Tamil University Police Station,
Crime No.177 of 2017,
Thanjavur.

...1st Respondent / Complainant

2.Vishwanth

...2nd Respondent /Accused

PRAYER: Criminal Appeal filed under Section 372 of Cr.P.C., against the judgment passed by the I Additional District cum Sessions Judge, Thanjavur in S.C.No.183 of 2018 dated 22.04.2019.

For Appellant : Mr.A.Shajahan

For R-1 : Mr.S.Ravi,
Additional Public Prosecutor

JUDGMENT

R.SUBRAMANIAN, J.
AND
N.SATHISH KUMAR, J.

The defacto complainant seeks to challenge the judgment of the Sessions Court, Thanjavur in S.C.No.183 of 2018 dated 22.04.2019. imposing a punishment of life imprisonment along with fine on the accused for the offence under Section 302 of I.P.C., and seven years Rigorous Imprisonment along with fine for the offence under Section 201 of I.P.C. The accused was charged for the offences under Sections 302 and 201 of I.P.C.

2. Section 372 of Cr.P.C., reads as follows:

"372.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 by 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.]”

3. It could be seen from the proviso that the victim has a right of appeal only against the order of the Sessions Court acquitting the accused or convicting the accused for lesser offence or imposing inadequate compensation.

4. It is therefore clear that the defacto complainant or the victim cannot seek enhancement of punishment. Hence, this criminal appeal is dismissed as not maintainable.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

PM

To

1.The I Additional District cum Sessions Judge,
Thanjavur.

2.The Inspector of Police,
Tamil University Police Station,
Thanjavur.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to
The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai.

Crl.A. (MD) No.237 of 2022

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