

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.190 of 2019

Arising Out of PS. Case No.-72 Year-2013 Thana- JANTA BAZAR District- Saran

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KANTI DEVI Wife of Late Ram Raj Sharma Resident of Village- Harpur
Kothi, P.S.- Janta Bazar, District- Saran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Brij Kishor Sharma Son of Raghunath Sharma Resident of Village- Harpur
Kothi, P.S.- Janta Bazar, District- Saran.
3. Raghunath Sharma Son of Jokhan Sharma Resident of Village- Harpur
Kothi, P.S.- Janta Bazar, District- Saran.
4. Mit Kishor Sharma Son of Raghunath Sharma Resident of Village- Harpur
Kothi, P.S.- Janta Bazar, District- Saran.
5. Kaushalya Devi @ Kailasho Devi Wife of Raghunath Sharma Resident of
Village- Harpur Kothi, P.S.- Janta Bazar, District- Saran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Umesh Kumar Mishra, Adv.
For the Respondent/s : Mr.Anand Kishore Choudhary, APP

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

8 18-12-2023 Heard learned Advocate for the petitioner as well as

learned APP for the State.

2. The instant revision is directed against an order of conviction and sentence dated 19.12.2018, under Sections 304 Part-II of the I.P.C., though the charge was framed under Section 302 of the I.P.C., as well as against acquittal of four persons in spite of there being cogent and material evidence against them, in Sessions Trial No. 81 of 2014 (C.I.S. No. 592 of 2015) by the learned Additional District & Sessions Judge-



IX, Saran at Chapra.

3. The instant revision for enhancement of sentence as well as against the order of acquittal is not maintainable in view of proviso to Section 372 of the Cr.P.C.

4. The provision runs thus:-

“Provided that victim shall have the 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 such Court.”

5. Since right of appeal is a statutory and substantive right of the defecto complainant/victim, the instant revision shall not lie. However, the petitioner is at liberty to take steps in accordance with law against the impugned Judgment.

6. The revisional application is thus disposed of.

(Bibek Chaudhuri, J)

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