

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

241

CRR-649-2023

Date of Decision:02.05.2023

Surender

.....Petitioner

Vs.

State of Haryana and Others

.....Respondents

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. R.N. Lohan, Advocate
for the petitioner.

Mr. Parveen Kumar Aggarwal, DAG, Haryana.

DEEPAK GUPTA, J. (ORAL)

This revision is against the order of the Learned Appellate Court, whereby appeal has been dismissed being not maintainable under Section 372 Cr.P.C.

2. In a case arising out of case FIR No.14 dated 15.01.2015 registered at Police Station Sadar Narwana, District Narwana under Sections 323, 341, 506 read with Section 34 of the IPC, although the respondents-accused were charged under Sections 323, 341, 506 read with Section 34 of the IPC, but after holding trial, they were acquitted of the charges under Sections 341 & 506 read with Section 34 of the IPC and were convicted only under Section 323 read with Section 34 of the IPC vide judgment dated 21.11.2018. Vide a separate order of even date, the respondents were directed to be released on probation.

3. Against the abovesaid order of the Trial Court, the complainant

filed appeal for modifying the impugned order and to pass an order by enhancing the maximum sentence.

4. Learned Appellate Court vide order dated 14.12.2022 dismissed the appeal to be not maintainable under Section 372 Cr.P.C.

5. It is against this order that the present revision has been filed.

6. Section 372 of the Code of Criminal Procedure reads as under:

“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 whom an appeal ordinarily lies against the order of conviction of such Court.”

7. It is clear on perusal of abovesaid provision that the victim’s right to appeal is restricted to three eventualities, which are as under:

- (i) against acquittal;
- (ii) against conviction of the accused for lesser offence; and
- (iii) for imposing inadequate compensation.

8. No right has been provided to the complainant/victim to file appeal for questioning the order of sentence as inadequate. Similar view has been taken by the Hon’ble Supreme Court in ***Parvinder Kansal Versus The State of NCT of Delhi and Anr., Criminal Appeal No.555 of 2020, decided on 20.08.2020 (S.C.)***, which has also been referred by Learned Appellate Court.

9. In view of above, no fault can be found with the impugned order dated 14.12.2022, since in the appeal filed by the victim the only relief claimed was to enhance the sentence.
10. Finding no merit in the revision, same is hereby dismissed.

May 02, 2023
Neetika Tuteja

(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No