

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

224

CRM-A-610-MA-2017
Date of Decision: 26.11.2024

Karnail Kaur and another

....Applicants

Versus

State of Haryana and another

....Respondents

CORAM:HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Rakesh Gupta, Advocate
 for the applicants.

 Mr. Aashish Bishnoi, DAG, Haryana.

 Mr. Sanjay Jain, Advocate
 for respondent No.2.

ANOOP CHITKARA, J.

Aggrieved by the judgment of acquittal dated 14.12.2016, passed by the Judicial Magistrate Ist Class, Ambala, the victim instead of filing a petition under proviso of Section 372 CrPC before the Sessions Court, came up before this Court by filing the application for leave to appeal under Section 378(4) CrPC.

2. The law is settled that leave to appeal could have been filed only by the State and the legislature had provided appropriate remedy to the victim under Section 372 CrPC, however if the appeal against acquittal have to be filed by the victim, ordinary lie to the Court before whom the appeal against conviction would ordinary lie, that is Court of Sessions and not in the High Court in this case.

3. In the entirety of facts and circumstances, this Court has no jurisdiction to entertain this application for leave to appeal as it is not maintainable and the same is disposed of with liberty to the victims to exercise their rights under Section 413 BNSS 2023 before the Sessions Court. It is clarified that the time for which the present application for leave to appeal was pending, shall not be counted for the purpose of limitation. Any other pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

26.11.2024
anju rani

Whether speaking/reasoned	Yes
Whether reportable?	No