



CRA-AS-336-2022 (O&M)

3. Counsel for the accused submits that proviso to Section 372 CrPC mentions where in case of acquittal in FIR, an appeal would normally lie. In the present case, the offence is triable by Magistrate and appeal lies before the Sessions Court and this Court has no jurisdiction to take up the matter.

4. To this, counsel for the complainant submits that he be permitted to file an appeal before the Sessions Court and the time for which the appeal remain pending before this Court shall not be counted for the purpose of limitation.

5. There cannot be any dispute that Section 5 of Limitation Act protects if somebody approaches wrong forum. Limitation shall start from tomorrow.

6. Given above, the present appeal is disposed of as withdrawn with liberty to file before the appellate Court. All pending applications, if any also stands disposed.

(ANOOP CHITKARA)
JUDGE

17.12.2024
Jyoti Sharma

Whether speaking/reasoned:	Yes
Whether reportable:	No.