

2025:PHHC:141460



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRR 833 of 2005
Date of Decision: 14.10.2025

Ajaib Singh ...Petitioners
Vs.
Amrik Singh and others ...Respondents

CORAM: HON'BLE MR. JUSTICE N.S.SHEKHAWAT
HON'BLE MS. JUSTICE SUKHVINDER KAUR

Present: Mr. Kiranjit Singh Bassi, Advocate
for the petitioner. (through V.C.).

Mr. I.P.S. Sabharwal, DAG, Punjab.

N.S.SHEKHAWAT, J.

1. The petitioner has filed the present revision petition against the impugned judgment and order dated 16.04.2004 passed by the Court of Additional Sessions Judge (Adhoc) Fast Track Court, Patiala, with a prayer to modify the same by enhancing the sentence imposed on respondents No. 1 to 3.

2. Vide the impugned judgment and order passed by the trial Court, the respondents No. 1 to 3 have been convicted for the offences punishable under Sections 302, 120-B, 420 and 467 of IPC and have been sentenced to undergo a maximum sentence of

imprisonment for life and now the petitioner is praying that the sentence of life imprisonment may be converted to sentence of death.

3. Chapter XXIX of Code of Criminal Procedure provides for institution of various appeals before this Court.

4. Section 372 clearly provides that no appeal shall lie from any judgment or order of a criminal Court except as provided by the provisions of this Court and the same has been reproduced below:-

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 by any other law for the time being in force:

163 1 [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.]

5. Apart from that, Section 377 provides for appeal, which may be filed by the State Government against inadequacy of sentence and the same has been reproduced below:-

377. Appeal by the State Government against sentence.—

(1) Save as otherwise provided in sub-section (2), the State Government may, in any case of conviction on a trial held by any Court other than a High Court, direct the Public Prosecutor to present [an appeal against the sentence on the ground of its inadequacy—

(a) to the Court of Session, if the sentence is passed by

the Magistrate; and

(b) to the High Court, if the sentence is passed by any other Court.]

(2) If such conviction is in a case in which the offence has been investigated by the Delhi Special Police Establishment, constituted under the Delhi Special Police Establishment Act, 1946 (25 of 1946), or by any other agency empowered to make investigation into an offence under any Central Act other than this Code, [the Central Government may also direct] the Public Prosecutor to present [an appeal against the sentence on the ground of its inadequacy—

(a) to the Court of Session, if the sentence is passed by the Magistrate; and

(b) to the High Court, if the sentence is passed by any other Court].

(3) When an appeal has been filed against the sentence on the ground of its inadequacy, [the Court of Session or, as the case may be, the High Court] shall not enhance the sentence except after giving to the accused a reasonable opportunity of showing cause against such enhancement and while showing cause, the accused may plead for his acquittal or for the reduction of the sentence.

(4) When an appeal has been filed against a sentence passed under section 376, section 376A, section 376AB, section 376B, section 376C, section 376D, section 376DA, section 376DB or section 376E of the Indian Penal Code (45 of 1860), the appeal shall be disposed of within a period of six months from the date of filing of such appeal”.

6. From a cumulative reading of the aforesaid provisions, it is apparent that the petitioner, who claims himself to be the victim, has a right to prefer an appeal against the trial Court order only in three eventualities:-

“(i) When the accused has been acquitted by the trial Court.

(ii) When the accused has been convicted for a lessor offence; and or

(iii) When the inadequate compensation has been imposed on the accused”.

7. Except the aforesaid three eventualities, the victim cannot file an appeal before this Court. Apart from that, even an appeal for enhancing the sentence imposed on the accused, can only be preferred by the State Government under Section 377 Cr.P.C. and the present petition at the instance of the victim is not at all maintainable before this Court.

8. Consequently, the petition is held to be not maintainable before this Court and is, accordingly, dismissed as such.

(N.S.SHEKHAWAT)
JUDGE

(SUKHVINDER KAUR)
JUDGE

14.10.2025
amit rana