

21.
27-02-2026
(ct. no.08)
S. De
266045

CRA (DB) 287 of 2025

In the matter of : Sasti Bauri.
...applicant/appellant.

Mr. Soumyajit Das Mahapatra,
...for the Applicant/Appellant.

Mr. Debasish Roy, Ld. P.P.,
Ms. Amita Gaur, ...for the State.

Dictated by Arijit Banerjee, J.

1. This appeal has been filed by the de facto complainant against an order of acquittal.
2. Appeals are provided in Chapter XXIX of the Code of Criminal Procedure, 1973. The relevant Sections, for the present purpose are Sections 372 and 378 which read 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 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 which an appeal ordinarily lies against the order of conviction of such Court.

378. Appeal in case of acquittal.—5 [(1) Save as otherwise provided in sub-section (2), and subject to the provisions of sub-sections (3) and (5),— (a) the District Magistrate may, in any case, direct the Public Prosecutor to present an appeal to the Court of Session from an order of acquittal passed by a Magistrate in respect of a cognizable and non-bailable offence; (b) the State Government may, in any case, direct the Public Prosecutor to present an appeal to the High Court

from an original or appellate order of acquittal passed by any Court other than a High Court [not being an order under clause (a)] or an order of acquittal passed by the Court of Session in revision.] (2) If such an order of acquittal is passed in any 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, 1 [the Central Government may, subject to the provisions of sub-section (3), also direct the Public Prosecutor to present an appeal— (a) to the Court of Session, from an order of acquittal passed by a Magistrate in respect of a cognizable and non-bailable offence; (b) to the High Court from an original or appellate order of an acquittal passed by any Court other than a High Court [not being an order under clause (a)] or an order of acquittal passed by the Court of Session in revision]. (3) 2 [No appeal to the High Court] under sub-section (1) or sub-section (2) shall be entertained except with the leave of the High Court. (4) If such an order of acquittal is passed in any case instituted upon complaint and the High Court, on an application made to it by the complainant in this behalf, grants special leave to appeal from the order of acquittal, the complainant may present such an appeal to the High Court. (5) No application under sub-section (4) for the grant of special leave to appeal from an order of acquittal shall be entertained by the High Court after the expiry of six months, where the complainant is a public servant, and sixty days in every other case, computed from the date of that order of acquittal. (6) If, in any case, the application under sub-section (4) for the grant of special leave to appeal from an order of acquittal is refused, no appeal from that order of acquittal shall lie under sub-section (1) or under sub-section (2).”

3. The appellant is not the victim. Therefore, the proviso to Section 372 would not apply.
4. Section 378 also does not contemplate an appeal against an order of acquittal, at the instance of the de facto complainant.
5. Hence, in our opinion, this appeal is not maintainable and, therefore, is not entertained.
6. The appeal being CRA (DB) 287 of 2025 stands dismissed on the aforesaid ground only.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)