CGHC010001122010 2026:CGHC:43682

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 344 of 2010

Murari Prasad S/o Kumbhad Prasad Awasthi, Aged about 27 years, Resident of Village Marda Kalan, Thana Arjunda, District – Durg, Chhattisgarh.

... Appellant

versus

State Of Chhattisgarh Through Police Station, Dongargarh, District – Rajnandgaon, Chhattisgarh.

---- Respondent

(Cause-title taken from Case Information System)

RAJSHEKHAR SONI

Digitally signed by RAJSHEKHAR SONI

For Appellant : None.
For Respondent/State : Ms. Nand Kumari Kashyap, Panel Lawyer

Hon'ble Shri Justice Sudhir Kumar
Order on Board

08.10.2026

1. The appellant has filed the present appeal under Section 454 of the Code of Criminal Procedure, 1973, challenging the order dated 08.12.2009 passed by learned First Additional Sessions Judge, Rajnandgaon, District Rajnandgaon (C.G.) in Sessions Case No. 117/2008, whereby learned trial Court has acquitted the appellant of the charges under Sections 394 and 397 of the Indian Penal Code (IPC), but did not pass any order on the application preferred by the appellant under Section 451 of the CrPC seeking custody of the property and the amount of Rs.88,500/- seized from his possession during the trial.

2. To decide the issue involved in the present case, it is necessary to deal with the provisions contained under Section 454 of the Code of Criminal Procedure, 1973, which reads thus:

> *"**454. Appeal against orders under Section 452 or Section 453.***
>
> *(1)Any person aggrieved by an order made by a Court under Section 452 or Section 453, may appeal, against it to the Court to which appeals ordinarily lie from convictions by the former Court.*
>
> *(2)On such appeal, the Appellate Court may direct the order to be stayed pending disposal of the appeal, or may modify, alter or annul the order and make any further orders that may be just.*
>
> (3)The powers referred to in sub-section (2) may also be exercised by a Court of appeal, confirmation or revision while dealing with the case in which the order referred to in sub-section (1) was made."

3. Upon perusal of above Section, it is apparent that the said provision provides for an appeal against the order passed by the Court under Section 452 or Section 453 of the CrPC relating to the disposal of property.

4. In the present case, the appellant has preferred the present appeal against the judgment of acquittal passed by the trial Court acquitting him of the charges under Sections 394 and 397 of the IPC. While dealing with the amount of Rs.88,500/- seized in connection with the case, the trial Court recorded a finding that the said amount had not been seized from the accused/appellant and, on that basis, proceeded to acquit him of the aforesaid offences.

5. Thus, it is evident that the present appeal has, in substance, been preferred against the judgment of acquittal and not against any order passed under Section 452 or Section 453 of the CrPC. The trial Court has not passed any order under Section 452 or Section 453 of the CrPC in respect of the property in question.

6. In that view of the matter, this Court is of the considered opinion that the present appeal, having been preferred against the judgment of acquittal, does not fall within the ambit of Section 454 of the CrPC and, therefore, is not maintainable.

7. Consequently, the present Criminal Appeal is **dismissed**, on this ground alone.

Sd/-
(Sudhir Kumar)
Judge

Rajshekhar