



**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-A-167-2024 (O&M)

Date of Decision:-3.2.2026

Baldev Singh

... Appellant

Versus

Amolak Singh

... Respondent

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL
HON'BLE MRS. JUSTICE RAMESH KUMARI**

Present:- Mr. Amit Dhawan, Advocate for the appellant.

GURVINDER SINGH GILL, J. (Oral)

1. The complainant assails judgment dated 9.2.2022 passed by learned Principal Magistrate, Juvenile Justice Board, Jalandhar vide which the respondent (juvenile) has been acquitted in respect of a criminal complaint lodged against him by the appellant.
2. When the matter was taken up before this Bench on 9.12.2025, the following order was passed:

“1. Applicant - Baldev Singh (complainant) has approached this Court so as to assail judgment dated 09.02.2022 passed by the Principal Magistrate, Juvenile Justice Board, Jalandhar, whereby the respondent (juvenile) has been acquitted in respect of notice of accusation served upon him for offences punishable under Sections 323, 324, 326, 427, 447, 506 IPC read with Section 34 IPC in a case arising out of a complaint.



2. Today, at the very outset, learned counsel for the applicant submits that since the matter arises out of a private complaint, therefore, an appeal against acquittal would be maintainable before the Court of Sessions and not before this Court particularly in the light of ratio of the judgment in **M/s Celestium Financial Vs. A. Gnanasekaran, 2025 (3) RCR (Criminal) 208**, wherein it has been held that the right of a victim of a crime must be placed on par with the right of an accused who has suffered a conviction, who, as a matter of right can prefer an appeal under Section 374 of the Cr.P.C. and as such, a victim of a crime, whatever be the nature of the crime, unconditionally must have a right to prefer an appeal. The learned counsel also placed reliance upon a judgment of Hon'ble Supreme Court in **Mallikarjun Kodagali Vs. State of Karnataka, (2019) 2 SCC 752**, which held that a victim, as defined in Section 2(wa) of the Cr.P.C., would be entitled to file an appeal before the Court to which an appeal ordinarily lies against the order of conviction and it is not necessary to consider the effect of a victim being the complainant as far as the proviso to Section 372 of the Cr.P.C. is concerned. Learned counsel, thus, prayed that the instant appeal be transmitted to the Court of Sessions at Jalandhar.
3. While there is no dispute as regards ratio laid down in **M/s Celestium Financial's** case (*supra*) and in **Mallikarjun Kodagali** case (*supra*), but the matter in hand arises out of a Special Act, wherein the respondent was tried as a 'juvenile' in terms of the provisions of the Juvenile Justice (Care and Protection of Children) Act, 2000. It may here be mentioned that offence having taken place in the year 2010, it is the provisions of the Juvenile Justice (Care and Protection of Children) Act, 2000 which will apply. While Section 52 of the said Act specifically provides for appeals against orders passed by Juvenile Justice Board to the Court of Sessions, but an appeal against order of acquittal is specifically barred therein. Section 52 of the said Act is reproduced herein under:

“52. Appeals.- (1) Subject to the provisions of this section, any person aggrieved by an order made by a competent



authority under this Act may, within thirty days from the date of such order, prefer an appeal to the Court of Session: Provided that the Court of Session may entertain the appeal after the expiry of the said period of thirty days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) No appeal shall lie from-

(a) any order of acquittal made by the Board in respect of a juvenile alleged to have committed an offence; or

(b) any order made by a Committee in respect of a finding that a person is not a neglected juvenile.

(3) No second appeal shall lie from any order of the Court of Session passed in appeal under this section.”

4. It also however needs to be mentioned that subsequently upon coming into force of the new Act i.e. the Juvenile Justice (Care and Protection of Children) Act, 2015, provision for filing an appeal against an order of acquittal in respect of heinous offence has been made in Section 101 of new Act.

5. Learned counsel for the applicant to assist this Court as regards maintainability of an appeal against acquittal in the instant case in view of specific bar against the same in Section 52 of the Juvenile Justice (Care and Protection of Children) Act, 2000.

6. List again on 03.02.2026. To be shown in urgent list.”

3. Today, at the very outset, learned counsel for the appellant fairly stated that on account of statutory bar under the Juvenile Justice (Care and Protection of Children) Act, 2000, the instant appeal would not be maintainable.

4. In view of the reasons specifically recorded in aforesaid order dated 9.12.2025 as reproduced above particularly noticing that the matter pertains to the period before Juvenile Justice (Care and Protection of Children) Act,



CRM-A-167-2024 (O&M) (4)

2000 came to be amended in the year 2015 and under the old Act there was a specific bar against filing an appeal against acquittal, the instant appeal is hereby disposed off being not maintainable.

(GURVINDER SINGH GILL)
JUDGE

3.2.2026
Pankaj

(RAMESH KUMARI)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No