

Court No. - 1

Case :- CRIMINAL APPEAL U/S 372 CR.P.C. No. - 79 of 2022

Appellant :- Haji Mahboob Ahmad And Anr.

Respondent :- State Of U.P. Thru. Home Secy. Lucknow And Ors.

Counsel for Appellant :- Khaleeq Ahmad Khan, Mohemmed Amir Naqvi, Najam Zafar, Rafat Farooqui

Counsel for Respondent :- G.A., Shiv P. Shukla

Hon'ble Ramesh Sinha, J.

Hon'ble Mrs. Saroj Yadav, J.

Shri Syed Farman Ali Naqvi, learned Senior Advocate assisted by Sri Najam Zafar, learned counsel for appellants, Shri Shiv P. Shukla, learned counsel for C.B.I. and Shri Vimal Kumar Srivastava, learned Government Advocate for State-respondents are present.

Learned counsel for the appellants states that against acquittal of the accused/opposite party nos.3 to 34, appellants have initially preferred criminal revision and on the prayer of learned counsel for revisionists made before learned Single Judge that the same may be treated as appeal under Section 372 Cr.P.C., in view of the Amendment made in Section 372 Cr.P.C. w.e.f. 31.12.2009. Thus, the learned Single Judge vide order dated 18.07.2022 passed in Criminal Revision No.26 of 2021 directed the Registry to treat the revision as an appeal under Section 372 Cr.P.C. and to allot a regular number to this revision as appeal and be listed on 01.08.2022 for admission.

Hence, the appeal is listed today for admission.

Today, when the matter is listed, learned Government Advocate and learned counsel for C.B.I. have raised a preliminary objection regarding maintainability of the present appeal filed on behalf of appellants on the ground that they are not the

victim of the case, hence, they do not have any right to file the present appeal against acquittal of the accused/respondents.

Learned Government Advocate and learned counsel for C.B.I. pray for and are granted two weeks' time to file objection. The appellants shall have one week thereafter to file reply to the same.

Let the matter be listed on **05.09.2022** before appropriate Bench for considering the question of maintainability of the present appeal, as has been raised by learned Government Advocate and learned Counsel for C.B.I.

[Mrs. Saroj Yadav, J.] [Ramesh Sinha, J.]

Order Date :- 1.8.2022
Shubhankar