

Court No. - 12

Case :- CRIMINAL APPEAL No. - 1273 of 2010

Appellant :- Hema Devi

Respondent :- State Of U.P. And Ors.

Counsel for Appellant :- Devi Prasad Singh

Counsel for Respondent :- Govt. Advocate

Hon'ble Mohd. Faiz Alam Khan,J.

Nobody is present for the appellant when this appeal is taken up for hearing.

The instant appeal has been filed by the victim, who is also the complainant, under Section 372 Cr.P.C. against judgement of acquittal passed by trial court in a complaint case.

On the last date also, the appellant was unrepresented, however, a preliminary objection was raised by learned A.G.A. that having regard to the provision of Section 378(4) Cr.P.C. an application for grant of leave to appeal is maintainable for the complainant, who has challenged the order of acquittal.

However, an interesting question emerges that when the complainant is herself/himself the victim, whether he/she can prefer an appeal under Section 372 Cr.P.C. and he/she cannot be relegated to avail the remedy as provided under Section 378(4) Cr.P.C. as the same is only confined to a complainant and not to the victim.

The above mentioned issue requires in depth deliberations.
Accordingly, list this case on 11.08.2022.

Order Date :- 5.8.2022

Anupam S/-