

ORDER BELOW EXH. NO. 1 IN
CRIMINAL APPEAL NO.11/2026

(Ashoksingh Santramsingh Chouhan Vs. Jakir Shah Rashid Shah)
(CNR No. MHAK050001392026)

The present appeal is preferred under Section 413 of BNSS/Section 372 CrPC. It is at the behest of the original complainant/the appellant, who is aggrieved by judgment and order dated 16.02.2026 passed by the Ld. J.M.F.C. Telhara in S.C.C. No.597/2021. The appellant seems to have been aggrieved by the sentence of inadequate imprisonment – till rising of the Court - as was imposed by the Ld. Magistrate under the impugned judgment. However, the appeal against any sentence on the ground of inadequacy, as provided under Section 418 BNSS should be at the behest of Public Prosecutor as may be directed by the State Government, and not at the behest of victim. Section 413 BNSS squarely provides that no appeal shall lie from any judgment or order of a Criminal Court except as provided by BNSS or by any other law for the time being in force.

2. So far as right of the victim to prefer an appeal under Section 413 is concerned, the same is in respect of an order of acquittal or convicting for lesser offence or for imposing inadequate compensation. Admittedly, the accused herein has not been acquitted. He is admittedly not sentenced for lesser offence, as the offence imputed was under Section 138 of N.I. Act and the accused was convicted for offence punishable under Section 138 of N.I. Act only. So far as alleged

grant of inadequate compensation is concerned, the relief sought in appeal memo is in respect of inadequate sentence (and not in respect of inadequate compensation). Another relief sought in the appeal memo is enhance the sentence. The sentence can only be prayed to be enhanced under Section 418 BNSS and not under Section 413 BNSS. In this backdrop, keep the present appeal for argument on maintainability with special reference to Sections 413 and 418 BNSS.

Place : Akot.
Date :06.03.2026.

(B. M. Patil)
Additional Sessions Judge,
Akot.