

**HIGH COURT OF CHHATTISGARH, BILASPUR****ORDER SHEET****Acquittal Appeal No. 169 of 2015**Santosh Kumar Gupta **Verses** State of Chhattisgarh & Anr.

17.9.2015	Shri Akhilesh Mishra, counsel for the appellant. Ms. Sangeeta Mishra, Panel Lawyer for the State/respondent No.1. The matter is listed for orders on default No.1. As per Office note, application for condonation of delay is not required but the appellant has filed the application for condonation of delay. The calculation chart prepared by the Registry is perused. As per the calculation chart, the instant acquittal appeal under the proviso of under section 372 of the Cr.P.C. has been preferred after 51 days from the date of judgment excluding the period of 16 days for receipt of certified copy of judgment. As per the order passed in Acquittal Appeal No.121/12 (Smt Ahilaya Bai Satnami vs. State of CG and others), the Hon'ble Full Bench of this court in answer to the question referred by the Single Bench held as below:- “Whether the period of limitation prescribed for filing an appeal under Section 377 or 378 of the Code of Criminal Procedure would also apply to an appeal preferred by the victim under proviso to Section 372 of the Code of Criminal Procedure?” Answer:- (A) The period of limitation prescribed for filing an appeal against order of acquittal as provided under Article 114 and Article 115 of the Schedule to the Limitation Act, 1963, is not applicable in the matter of appeal that may be preferred by a victim under proviso to Section 372 of the Cr.P.C. against an order of acquittal. Nevertheless, appeal is required to be filed by the victim within a reasonable period to be reckoned from	



	the date the victim acquires knowledge of the order of acquittal. What would be the reasonable period, should depend upon the facts and circumstances of every case.” As per the appreciation, period of limitation prescribed for filing of appeal as provided under Article 114 and 115 of the Schedule to the Limitation Act is not applicable in the matter of appeal that may be preferred by a victim under proviso to Section 372 of the Cr.P.C. against the order of acquittal, but the appeal is required to be filed by the victim within reasonable period of the order of the acquittal and what would be the reasonable period is depend upon the circumstances of the each case. In the light of the above appreciation by the Hon’ble Full Bench, default pointed out by the Registry is not required in toto. The Registry is hereby directed to act as per the answer A wherein it is required from the Courts to appreciate regarding reasonable period and for this the calculation chart has to be prepared vis-à-vis under Article 115(b) of the Schedule to the Limitation Act to show that after how many days of its limitation the victim has preferred the acquittal appeal against the judgment of acquittal so as to enables and help the court to appreciate whether such acquittal appeal has been filed within the reasonable period or not as required by the order of Hon’ble Full Bench dealt in answer to part (A). Earlier also order passed in acquittal appeal No.97/15 dated 20.8.15, the same direction has been issued by this Court. Again Registrar (Judl.) is directed to take note of it and prepare a chart so as to enable the court to appreciate the factum of reasonable period as expected by the Hon’ble Full Bench of this Court. Now after perusal of the calculation chart, it appears that within 51 days from the date of judgment, the acquittal appeal has been preferred. Thereby it is apparent that Schedule as mentioned in 115 (b) of the Limitation Act i.e. 60 days, the acquittal appeal has	
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	been preferred before expiry of said period,. With this appreciation, application for condonation of delay is hereby dismissed as not required under the law. The Registry is directed to list this matter for hearing on admission after two weeks. Sd/- (Chandra Bhushan Bajpai) Judge	
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