

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Criminal Appeal (V) No.04 of 2026

Mohan Goswami			Appellant(s)
-Versus-			
The State of Jharkhand & Ors.			Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAJESH KUMAR

For the Appellant	: Mr. Pradeep Kr. Deomani, Adv.
For the State	: Mr. Manoj Kr. Mishra, A.P.P.

06/Dated: 31st July, 2026

1. The instant appeal has been preferred against the judgment dated 18.02.2025 passed by the learned Additional Sessions Judge-II, Giridih in Criminal Appeal No.138 of 2017, whereby and whereunder, the learned Appellate Court has acquitted the respondent Nos.2 to 4 from the charges levelled upon them.
2. It appears that the accused persons have charged for the offence under Sections 341, 323 and 325/34 of the Indian Penal Code in connection with Ahilyapur P.S. Case No.44 of 2009, corresponding to G.R. Case No.1562 of 2009 and T.R No.720 of 2017 and they have been convicted for the said offence.
3. A criminal appeal lies against the order of acquittal. If a person has been convicted in one section and discharged from another section, then the appeal will not lie rather, revision will be maintainable. Section 372 of Cr.P.C reads as under:-

“372. No appeal to lie unless otherwise provided- No appeal shall lie from any judgment or order of a Criminal Court except as provided for by this Code or by any other law for the time being in force.

[Provided that the victim shall have a right to prefer an appeal against any order passed by the Court acquitting the accused or convicting for a lesser offence or imposing inadequate compensation, and such appeal shall lie to the Court to which an appeal ordinarily lies against the order of conviction of such Court.]”
4. In that view of the matter, learned counsel for the appellant seeks permission to convert this appeal into criminal revision.
5. Permission is granted.
6. Office is directed to proceed accordingly.

(Rajesh Kumar, J.)