



Criminal Appeals under BNSS, 2023

01

Appeal against Conviction

Meaning:	The accused challenges the finding of guilt — claiming that the conviction is wrong in law or on facts.
Relevant Provision	Section 411 BNSS

Who Can File

- The accused who has been convicted by a lower court
- If in jail → can file through Jail Superintendent (u/s 413 BNSS)

Grounds

- Wrong appreciation of evidence
- Misapplication of BNS (substantive criminal law)
- Procedural irregularity
- Sentence excessive

Where Appeal Lies

Conviction Passed By

- Judicial Magistrate
- Sessions Court
- High Court

Appeal Goes To

- Court of Sessions
- High Court
- Supreme Court (Article 136 – SLP)

Example

Magistrate convicts A for theft (S. 303 BNS) → A files Appeal u/s 411 BNSS to Sessions Court.

02

Appeal against Acquittal

Meaning:	The State or victim challenges the order of acquittal, alleging that the accused was wrongly let off.
Relevant Provision	Section 417 BNSS

Who Can File

- State Government (through Public Prosecutor)
- Victim (but requires leave/permission of the High Court)

Grounds

- Trial Court ignored material evidence
- Judgment unreasonable or perverse
- Witness credibility wrongly assessed

Example

Accused acquitted in cheating case → State files appeal under S.417 BNSS before High Court.

03

Appeal Against Sentence Only

Meaning:	The accused accepts guilt but seeks reduction or modification of the punishment imposed.
Relevant Provision	Section 415 BNSS

Who Can File

- Convicted person who accepts guilt but wants a reduced sentence
- Cannot challenge conviction, only quantum of punishment

Example

Accused pleads guilty for rash driving → later appeals for sentence reduction under S.415.

04

Victim's Right to Appeal

Meaning:	The victim challenges an inadequate sentence, lesser conviction, or acquittal.
Relevant Provision	Proviso to Section 428 BNSS <i>(This replaces Section 372 Proviso of CrPC)</i>

Victim Can Appeal Against

- Acquittal of accused
- Conviction for lesser offense
- Inadequate compensation or sentence

Where Victim Files Appeal

- Before the Court to which the case would normally go on appeal (Sessions or High Court)

Example

Court convicts accused but gives very low compensation → Victim appeals under S.428 BNSS.

05

Appeal to Supreme Court in Criminal Matters

Meaning:	Filed by the State or accused before the Supreme Court to correct a grave miscarriage of justice or important legal error.
Constitutional Provisions (unchanged)	<ul style="list-style-type: none">• Article 134 → Appeal to Supreme Court in certain criminal cases• Article 136 → SLP (Special Leave Petition) — discretionary appeal

Who Can File

- Accused or State, after final judgment from High Court.

Quick Comparison Table

Type of Appeal	BNSS Section	Who Can File	Appeal Lies To	Key Condition
Appeal Against Conviction	S. 411 BNSS	Accused	Sessions / High Court / SC	Error in law/evidence
Appeal Against Sentence Only	S. 415 BNSS	Accused	Same appellate court	Conviction admitted
Appeal Against Acquittal	S. 417 BNSS	State / Victim (with leave)	High Court / SC	Acquittal improper
Victim's Appeal	S. 428 BNSS (Proviso)	Victim / Legal Heir	Sessions / High Court	Less conviction / lesser compensation
Appeal to Supreme Court	Art. 134 & 136	Accused / State	Supreme Court	Substantial injustice / public importance