2026:JHHC:22235

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Acq. Appeal (C) No.12 of 2018

Dayanath Jha, Aged about 41 years, S/o Sri Sachindra Nath Jha, Resident of Telco Colony, Double Road, Qtr. No. K 20/2, P.O & P.S: Telco, Town: Jamshedpur, district : East Singhbhum. **..... Appellant**

Versus

1. The State of Jharkhand
2. Mr. Rishi Shankar Mishra, Son of Sri Rakesh Mishra, Resident of Adityapur, Qtr. No.189/2/1, Road No.9, P.O & P.S: Adityapur, Town: Jamshedpur, district: Seraikella - Kharsawn.

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH KUMAR

For the Appellant : Mr. Prabhat Kr. Sinha, Advocate
For the State : Mr. B. N. Ojha, A.P.P
For the Resp. No.2 : Mrs. Nirupama, Advocate
Mr. Aasutosh Pd. Deo, Advocate

12/Dated: 28th July, 2026

1. The present acquittal appeal has been filed against the judgment dated 12.10.2018, passed in C/1 Case No.264 of 2016 by the court of learned Judicial Magistrate, 1st Class, Jamshedpur, whereby and whereunder the learned trial court has acquitted the respondent No.2 on the ground of jurisdiction.

2. In view of judgment of the Hon'ble Apex Court, passed in the case of ***Celestium Financial Vs. A. Gnanasekaran Etc.***, reported in ***2025 SCC OnLine SC 1320,*** and mandate of Section 372 Cr.P.C., the victim has right to appeal before the next appellate forum. Since it is a magisterial order, the next appellate forum will be the Sessions Judge.

3. In that view of the matter, learned counsel for the appellant seeks permission to withdraw the present acquittal appeal with a liberty to pursue an appeal before the appropriate forum.

4. Learned counsel for the other sides have no objection.

5. With the aforesaid liberty, the present acquittal appeal is, hereby, disposed of.

6. Pending interlocutory application, if any, also stands disposed of.

(Rajesh Kumar, J.)

28th July, 2026
Ravi-Chandan/-
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