

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33743 of 2015

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1. The New India Assurance Co. Ltd. through its Chief Regional Manager,
6th & 7th Floor, BSFC Building, Fraser Road, Patna

.... Petitioner/s

Versus

1. The State of Bihar.
2. Nawal Kishore Chaudhary, son of Late Mahadev Choudhary R/o
Village- Saraiya, P.S.- Sahebganj, Dist.- Muzaffarpur.
3. Jagarnath Paswan, Son of Late Darshan Paswan, R/o Village- Kalayani,
P.S.- Gayghat, District- Muzaffarpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Kumar Singh Vikram

For the Opposite Party/s : Mr. Anuradha Singh (App)

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

5 31-03-2016 Though by order dated 27.07.2015 notices were

issued upon the Opposite Party No.2 under both processes, a

perusal of the application would make it evident that the present

application under Section 482 of the Code of Criminal Procedure

(for short 'CrPC') has been filed for quashing the judgment and

order dated 04.04.2011 passed by the learned Sub Divisional

Judicial Magistrate, Muzaffarpur East in Tr. No. 1306 of 2011

arising out of Ahiyapur P.S.Case No. 472 of 2007, whereby the

Opposite Parties No.2 and 3 have been acquitted from the charges

under Sections 467, 468, 471, 406, 420 and 120-B of the Indian

Penal Code.

On query made by the court as to whether the

present application under Section 482 of the CrPC is maintainable, after going through the relevant statutory provisions of the CrPC, the learned counsel for the petitioner fairly concedes that against the judgment of acquittal passed by the court of Magistrate an appeal would lie before the learned Sessions Judge. After having realized the mistake in filing the present application before this court, Mr. Raj Kumar Singh Vikram, learned counsel for the petitioner seeks leave to withdraw this application in order to take steps for filing an appeal before the appropriate court.

In that view of the matter, leave is granted. The application is disposed of as withdrawn.

(Ashwani Kumar Singh, J)

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