

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.762 of 2016

Arising out of PS.Case No. -27 Year- 2009 Thana -SHANKARPUR District- MADHEPURA

Mala Devi, daughter of Prithvi Chandra Yadav, wife of Sudhir Yadav, resident of village Vishbadi Rahi Tola, P.O.+P.S. Gwalpara, Distt. Madhepura.

.... Appellant

Versus

1. The State of Bihar
2. Sudhir Yadav, son of Deep Narain Yadav.
3. Deep Narain Yadav, son of late Basudeo Yadav
4. Chedni Devi, wife of Deep Narain Yadav
5. Sunita Devi
6. Usha Devi
7. Mamia Devi @ Anita Devi

Respondents No. 5 to 7 are daughters of Deep Narain Yadav.

8. Krit Narain Yadav, son of late Basudeo Yadav

All are resident of village Jirwa, P.S. Shankarpur, Distt. Madhepura.

9. Lalan Rai, son of Vishnudeo Rai

10. Dezi Kumari, wife of Sudhir Yadav, daughter of Jai Prakash Rai

11. Jai Prakash Rai, son of late Tanuk Rai.

All are resident of village Tamot Parsa, Ward No. 3, P.S. Murliganj, Distt. Madhepura

.... Respondents

Appearance :

For the Appellant : Mr. Shailendra Kumar, Advocate.

For the State : Mr. Sujit Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 29-09-2016

This application under the proviso to Section 372 of the Code of Criminal Procedure has been filed against the judgment of acquittal dated 1.7.2016 passed by the learned Sub Divisional Judicial Magistrate, Madhepura, in G.R. Case No. 686 of 2009, T.R. No. 313 of 2016 arising out of Shankarpur P.S. Case No. 27 of 2009.

By the aforesaid judgment, respondents no. 2 to 11 who were charged for the offences punishable under Sections 498-

A, 406, 494, 504/34 and 323 of the Indian Penal Code as well as Sections 3 and 4 of the Dowry Prohibition Act, have been acquitted.

In the opinion of this Court, this application is not maintainable in law as an appeal against the order of a Magistrate would lie before the Sessions Court and not before this Court.

Accordingly, the application is dismissed as not maintainable.

(Ashwani Kumar Singh, J)

S.Ali/-

U		T	
---	--	---	--