

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.386 of 2016

Arising Out of PS.Case No. -119 Year- 2001 Thana -KUSHESHWARSTHAN District-
DARBHANGA

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Rajendra Lal son of Late Ganga Lal, resident of village-Kusheshwar Astha,
P.S.-Kusheshwar Asthan, District- Darbhanga Appellant/s
Versus

1.The State of Bihar
2.Bindeshwari Poddar @ Beeno Poddar son of Late Jilebi Poddar
3. Krishna Mohan Poddar son of Late Satyanarayan Poddar
4. Triveni Poddar son of Jilebi Poddar
Resident of village- Jamalpur, P.S.-Jamalpur, District- Darbhanga
5.Mithalesh Poddar son of Ratan Poddar
Resident of village- Dindayal Road, P.O. + P.S.-Barauni, District-
Begusarai Respondent/s
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Appearance :

For the Appellant/s : Mr. Shyama Kant Singh, Advocate
For the Respondent/s : Mr. Abhay Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 05-07-2016

At the outset, it has been submitted by learned counsel for the appellant Mr. Shyama Kant Singh that due to inadvertence the matter has been filed before this Court as a Single Judge Appeal. He submits that challenge is to an order of acquittal passed by the sessions court in a case in connection with charge under Section 307 of the Indian Penal Code and, as such, an appeal before the Division Bench would lie. In that view of the matter, he seeks leave of the Court to withdraw the instant memo of appeal in order to file an appropriate appeal before the Division Bench of this Court.

Leave is granted.

The application is disposed of as withdrawn with liberty

to the appellant to file another appropriate appeal in the same subject matter before this Court.

In case the appellant files a true photo copy of the impugned judgment passed by the trial court, the Registry is directed to return the certified copy of the impugned judgment to the learned counsel for the appellant after retaining the photo copy on record.

(Ashwani Kumar Singh, J)

Md.S./-

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