

IN THE HIGH COURT OF JUDICATURE AT PATNA
SLA No.14 of 2016

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Sujeet Kumar Gupta son of Late Birendra Prasad Gupta, resident of Lal Kothi, P.O. - Danapur Cantt. P.S. Danapur, District - Patna.

.... Appellant/s

Versus

1. The State of Bihar.
2. Amarendra Kumar
3. Karmendra Kumar

Both sons of Late Jyotendra Prasad, resident of Shukla Colony, near Indira Market, P.O. - Hinoo, P.S. - Doranda, District - Ranchi, Jharkhand.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ram Kumar Singh, Advocate

For the Respondent/s : Smt.Abha Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 27-04-2016 The present application under Section 378(4) of the Code of Criminal Procedure has been filed seeking leave to appeal against the judgment and order dated 16th July, 2015 passed by the learned Sub Divisional Judicial Magistrate, Danapur in Complaint Case No.361(C) of 1995 corresponding to Trial No.13 of 2015 whereby the learned Sub Divisional Judicial Magistrate has acquitted all the accused persons, who were charged and tried for the offences punishable under Sections 147, 148, 427, 452, 323 and 380 of the Indian Penal Code.

The Registry has raised a preliminary objection that the petitioner has not executed Vakalatnama and, hence, the appeal is not maintainable.

I have heard learned counsel appearing in the matter and perused the record.

I find that the complainant has neither executed the Vakalatnama nor authorized the counsel who has filed the present application before this Court to do *Pairvi* on his behalf.

In absence of having been authorized by the complainant, the counsel appearing in the case has no locus either to file the present application or to press the same.

In that view of the matter, the application is dismissed as not maintainable.

(Ashwani Kumar Singh, J)

Md.S./-

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