

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51245 of 2014

Arising Out of PS.Case No. -97 Year- 1997 Thana -GIRIYAK District- NALANDA
(BIHARSHARIFF)

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1. Sunita Devi, wife of Sarjug Yadav, D/o Arun Kumar, resident of village Samsara, P.S.- Rajgir, District- Nalanda, at present residing at village Majhanpur, P.S. Giriyak, District Nalanda

.... Petitioner/s

Versus

1. The State of Bihar
2. Ramswarup Yadav, son of late Ram Dhani Yadav, resident of village Samsara, P.S. Rajgir, District Nalanda

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Kishor Prasad, Advocate
For the Opposite Party/s : Mr. Satyavarta Verma, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2/ 24-11-2017

This application has been filed for quashing the order dated 06.05.2013 passed by the Sessions Judge, Nalanda, Bihar Sharif, in Cr. Revision No.262 of 2012, by which he has rejected the revision application with observation that petitioner may file appeal against the judgment and order of acquittal dated 25.05.2012.

Revision application was filed by the petitioner against the judgment of acquittal dated 25.05.2012 passed by the Judicial Magistrate, 1st class, Nalanda at Bihar Sharif, in GR Case No.1732 of 1997, by which he had acquitted Opposite Party No.2 of the charges under Section(s) 498-A/34 Indian Penal Code by



giving benefit of doubt.

Revision application was dismissed by the learned Sessions Judge, Nalanda, holding that under the provision of Section 372 Cr. P. C., appeal is maintainable against the order of acquittal. Accordingly, learned Sessions Judge has dismissed the revision application with liberty to petitioner to file appeal against the judgment of acquittal.

This Court does not find any illegality in the impugned order passed by the learned Sessions Judge.

Accordingly, this application is dismissed.

Liberty is given to the petitioner to take appropriate steps in accordance with law, if so advised, and in the event such an appeal is filed before the competent Court, the Court below while hearing on the point of limitation will take into consideration that the petitioner was pursuing his remedy before this Court.

(Sanjay Priya, J)

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