

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36453 of 2017

Arising Out of PS.Case No. -78 Year- 2017 Thana -JANKINAGAR District- PURNIA

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Dilip Yadav, son of Late Jagdish Yadav, R/o Village- Khunt P.S.- Janki Nagar, District- Purnea.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar

For the Opposite Party/s : Mr. Nand Kishore Pd

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 22-08-2017 Stamp reporter has pointed out that the impugned order has been passed by the Assistant Sessions Judge and the petitioner has to challenge the same before the District and Sessions Judge.

Learned counsel for the petitioner has submitted that Section 9 Cr.P.C. provides that Sessions Judge includes Assistant Sessions Judge and Additional Sessions Judge, as such, this application is maintainable before this High Court.

The said argument is not acceptable to this Court considering the fact that Section 374(2) proviso of Cr.P.C. provides that any judgment passed by the Assistant Sessions Judge is appealable before the District and Sessions Judge and not before this Court and considering that ratio of the said Section the



petitioner has to move first before the Sessions Judge and then before this Court, as such, this application is not maintainable before this Court.

Accordingly, this application is disposed of with a direction to move before the District and Sessions Judge.

(Vinod Kumar Sinha, J)

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