

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2894 of 2017

Arising Out of PS.Case No. -33 Year- 2004 Thana -NIMCHAKBATHANI District- GAYA

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1. Umesh Yadav, Son of Late Chandradeo Yadav,
 2. Deelip Yadav, Son of Sri Umesh Yadav, Both residents of Village- Bandi Maniara, Tole- Kalyanpur, P.S.- Neemchak Bathani and District- Gaya.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Bhola Kumar-Advocate

For the Respondent/s : Mr. Bipin Kumar-A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

03 15-11-2017 Heard learned counsel for the appellants as well as
 learned Additional Public Prosecutor.

Seen the office note.

The judgment impugned happens to be passed by the Chief Judicial Magistrate-cum-Assistant Sessions Judge-IV, Gaya convicting and sentencing the appellants for an offence punishable under Section 307 of the I.P.C. as well as directing them to undergo to R.I. for seven years, under Section 324 I.P.C. for two years and under Section 27 of the Arms Act for three years and further, there also happens to be infliction of fine in default thereof, to undergo S.I. for two months additionally. The sentence upto seven years having inflicted by any other Court than



Additional Sessions Judge or Sessions Judge is appealable before the learned Sessions Judge in terms of Section 374(2) of the Cr.P.C. In the aforesaid background, the learned counsel for the appellants seeks withdrawal of instant appeal and is allowed.

Accordingly, instant appeal is dismissed as withdrawn.

If the appeal is filed before the learned Sessions Judge by the appellants within four weeks, then in that circumstance, the question of limitation will not arise contrary to it, the appellants will have to explain.

(Aditya Kumar Trivedi, J)

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