

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3963 of 2018

Arising Out of PS.Case No. -363 Year- 2012 Thana -BIHTA District- PATNA

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Md. Qaium S/o Md. Mukhtar, resident of village - Patlapur, P.S.-Shahpur,
District - Patna

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Sanjay Kumar, Advocate

For the Respondent/s : Mr. Bipin Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR
SINGH

ORAL ORDER

2 01-11-2018

Perused the defect, as pointed out by the registry.

Though the appellant has been convicted *inter alia* under Section 302 of the Indian Penal Code and sentenced to undergo rigorous imprisonment for life, the appeal against the judgment of conviction and order of sentence has been filed erroneously before the Single Judge. An appeal in a case in which a sentence of death or of imprisonment for life has been passed would lie before the Division Bench.

Learned counsel for the appellant submitted that due to inadvertence an error in filing the memo of appeal occurred. He submitted that he may be allowed to withdraw the present appeal with liberty to file another memo of appeal in the same subject matter before the Division Bench.



Learned counsel for the State did not oppose the prayer of the appellant.

Considering the submission made on behalf of the appellant, prayer is allowed.

The appeal is disposed of as withdrawn with liberty to the appellant to file an appropriate appeal in accordance with law before this Court against the impugned judgment and order.

In case the appellant provides Xerox copy of the impugned judgment of conviction and order of sentence, the registry shall return the certified copy of the same to the learned counsel for the appellant after retaining Xerox copy on record.

(Ashwani Kumar Singh, J)

Md.S./-

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