

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.715 of 2017

Arising Out of PS. Case No.-2010 Year-2004 Thana- MUZZFARPUR COMPLAINT CASE
District- Muzaffarpur

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Ragini Devi, W/o Binod Kumar Singh, D/o Deo Nandan Chaudhary, Resident of Village- Bisunpur Mandal, P.S.- Kudhani, District- Muzaffarpur, presently reside at Mohalla- Fardogola SirGanesh Dutt Nagar, P.S. Sadar, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Vinod Kumar Singh, Son of Lachchandeo Singh,
3. Lachchandeo Singh, Son of Late Ramdhari Singh, Resident of village- Chakrashul, P.S. and District- Vaishali.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nachiketa Jha
For the Respondent/s : Mr. Sri Akbar Ali

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 03-10-2018 This criminal revision has been preferred under Section 397 read with Section 401 of the Code of Criminal Procedure against the judgment of acquittal dated 30.05.2017 passed by the learned 7th Additional Sessions Judge, Muzaffarpur in Criminal Appeal No.24 of 2012, whereby opposite party No.2, *Vinod Kumar Singh* and opposite party No.3, *Lachchandeo Singh* were acquitted after setting aside the judgment of conviction and order of sentence dated 29.02.2012 passed by the learned Sub-Divisional Judicial Magistrate, East Muzaffarpur in connection with Complaint Case No.2010 of 2004, Trial No.551 of 2012 for the offences under Sections 494 and 498A of the Indian Penal Code.



This criminal revision is not maintainable in view of the specific provisions of appeal under sub-Section 4 of Section 378 of the Code of Criminal Procedure, which reads as follows:-

“If such an order of acquittal is passed in any case instituted upon complaint and the High Court, on an application made to it by the complainant in this behalf, grants special leave to appeal from the order of acquittal, the complainant may present such an appeal to the High Court”.

In the present case the trial arises out of complaint case filed by the petitioner, whereby opposite party Nos.2 and 3 were convicted and thereafter acquitted by the learned lower court on appeal filed by the accused.

Hence, let this application be converted as an application made under sub-Section 4 of Section 378 of the Code of Criminal Procedure and list before the appropriate Bench.

(Birendra Kumar, J)

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