

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3251 of 2018

Arising Out of PS.Case No. -96 Year- 2010 Thana -MOTIHARI MUFASIL District-
EASTCHAMPARAN (MOTIHARI)

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Pammi Kumari daughter of Binod Das, resident of village-Patekha,
Garahiya Tola, P.S.-Mufassil, District- East Champaran

.... Appellant/s

Versus

1.The State of Bihar

2. Munna Das son of Bhola Das

3. Tingan Das son of Bisheshwar Das

Both 2 and 3 are resident of village-Patekha, Garahiya Tola, P.S.-
Mufassil, District- East Champaran

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Pramod Kumar Verma, Advocate

For the State : Mr. Sujit Kumar Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR
SINGH**

ORAL ORDER

3 10-10-2018

This appeal under the proviso to Section 372 of the Code of Criminal Procedure has been filed by the appellant against judgment and order of conviction and sentence dated 11.05.2018 passed by the learned Additional Sessions Judge-XIV, Motihari in Session Trial No.321 of 2011 whereby the respondents no.2 and 3 have been acquitted of the charges *inter alia* under Section 376 read with 34 of the Indian Penal Code.

Section 376 of the Indian Penal Code prescribes punishment which may extend to imprisonment for life. In case of conviction and sentence for life, an appeal would lie before the Division Bench. Similarly, in case of acquittal, an appeal under the



proviso to Section 372 of the Code of Criminal Procedure would lie before the Division Bench and not before the Single Judge.

In that view of the matter, this appeal in its present form is not maintainable.

Accordingly, the appeal is disposed of as not maintainable with liberty to the appellant that he may, if so advised, file another appeal challenging the impugned judgment before this Court in accordance with law.

(Ashwani Kumar Singh, J)

Md.S./-

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