

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3623 of 2018

Arising Out of PS. Case No.-58 Year-2010 Thana- Sikraul District- Buxar

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Parkalo Devi, wife of Late Basudeo Chaubey, resident of village – Basaon Kala, P.S. - Sikraul, District – Buxar.

... .. Appellant/s

Versus

1. The State Of Bihar
 2. Brajendra Kumar Chaubey, son of Ram Ekbal Chaubey
 3. Narendra Kumar Chaubey, son of Kamalakant Chaubey
- Both respondent no. 2 and 3 are resident of Mohalla –
Mitralok Colony, Pandeypatti, P.S. Buxar (M), District – Buxar.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Bhubneshwar Prasad, Advocate
For the Respondent/s : Mr. Binod Bihari Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 30-11-2018 This appeal under proviso to Section 372 of the Code of Criminal Procedure has been filed by the appellant as Division Bench appeal against the judgment of acquittal dated 05.06.2018 passed by the learned Presiding Officer, Fast Track Court No. 1, Buxar in Session Trial No. 70 of 2012 by which respondent Nos. 2 and 3 were acquitted from the charges under Sections 307/34, 323 and 341 of the Indian Penal Code.

Registry has pointed out defect regarding maintainability of the appeal before the Single Judge in view of the fact that the acquittal from the charges is, *inter alia*, under Section 307 of the Indian Penal Code.

Realising his difficulties regarding maintainability of



the appeal before the Single Judge, learned counsel appearing for the appellant sought leave to withdraw the present appeal with liberty to challenge the impugned judgment by way of filling another appeal in accordance with law before the Division Bench.

Leave is granted.

The appeal is disposed of.

In case the appellant files photocopy of the impugned judgment, the registry shall retain the same on record and return its certified copy to the learned counsel for the appellant.

(Ashwani Kumar Singh, J)

Md. S./-Sanjeev

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