

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2438 of 2018

Arising Out of PS.Case No. -269 Year- 2009 Thana -SAHARSA District- SAHARSA

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Ranjeet Kumar Singh, son of Late Benimadhav Singh, resident of Koshi Colony Koshi Chowk, P.S.- Saharsa Sadar, District- Saharsa.

.... Appellant/s

Versus

1. The State of Bihar.
2. Chandeshwar Verma, son of Late Bimal Verma,
3. Prem Kumar Verma, son of Chandeshwar Verma,
4. Kunti Devi wife of Chandeshwar Verma

All resident of village-Koshi Colony Koshi Chowk, P.S.-Saharsa Sadar, District- Saharsa

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Jawahar Prasad Singh, Advocate

For the State : Mrs. Abha 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 as a Single Judge appeal against the judgment dated 27.04.2018 passed by the Presiding Officer, Fast Track Court, Saharsa in Session Trial No.22 of 2010/114 of 2011, G.R. No.971 of 2009 (Reg. No.2198 of 2014) arising out of Saharsa P.S. Case No.269 of 2009 whereby and whereunder the respondents no.2 to 4 have been acquitted of the charges *inter alia* under Section 376/109 of the Indian Penal Code.

The offence punishable under Section 376 of the Indian Penal prescribes punishment for rape, which may extend to



imprisonment for life with fine. Section 109 of the Indian Penal Code provides that whoever abets any offence shall, if the act abetted is committed in consequence of the abetment, and no express provision is made by the Indian Penal Code for the punishment of such abetment, be punished with the punishment provided for the offence.

Since respondents no.2 to 4 were charged under Section 376/109 of the Indian Penal Code for which the longest period of sentence is imprisonment for life, in case of acquittal an appeal under the proviso to Section 372 of the Code of Criminal Procedure would lie before the Division Bench.

In that view of the matter, I am of the opinion that this appeal in its present form is not maintainable. Accordingly, it is disposed of with liberty to the appellant that, if so advised, he may file another appeal before this Court in accordance with law.

(Ashwani Kumar Singh, J)

Md.S./-

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