

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2786 of 2018

Arising Out of PS. Case No.-149 Year-2013 Thana- KHAJANCHI HAT District- Purnia

Alok Kumar Jha

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Alok Ranjan, Advocate
For the Respondent/s : Smt. Abha Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

4 04-12-2018 Though this appeal has been filed under Section 378 of the Code of Criminal Procedure for short ('Cr.P.C.'), realising his difficulty learned counsel for the appellant first prayed for to allow to convert the same under proviso to Section 372 of the Cr.P.C.

The instant appeal has been filed against the judgment dated 30.01.2018 passed by the learned Chief Judicial Magistrate, Purnea in Khazanchi Hat P.S. Case No.149 of 2013 whereby the accused, namely, Vineet Kumar Jha and Brajesh Kumar Jha have been acquitted from the charges under Sections 341/34, 323/34, 427/34, 504/34, 506/34 and 379/34 of the Indian Penal Code.

However, the prayer made by the learned counsel for the appellant cannot be allowed in view of the fact that under



proviso to Section 372 of the Cr.P.C., the appeal against the judgment of acquittal passed by the Court of Magistrate would lie before the Court of Session and not before this Court.

At this stage, learned counsel for the appellant sought leave to withdraw the present memo of appeal in order to challenge the judgment of acquittal before the Court of Session.

Leave is granted.

The appeal is disposed of.

(Ashwani Kumar Singh, J)

Md. S/-Sanjeev

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