

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1787 of 2018

Arising Out of PS.Case No. -103 Year- 2006 Thana -NOKHA District- SASARAM (ROHTAS)

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Parwati Devi wife of Ram Niwas Singh, resident of village - Dharupur,
P.S.- Nokha, District - Rohtas.

.... Appellant/s

Versus

1. The State of Bihar.
2. Lallan Singh son of Late Nanhaku Singh
3. Ajay Singh @ Mantoo Singh son of Lallan Singh
4. Vijay Singh @ Pintu Singh son of Lallan Singh

All are residents of village - Dharupur, P.S. - Nokha, District -
Rohtas.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Maya Shankar Mishra, Advocate

For the State : Smt. Abha Singh, APP

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

ORAL ORDER

3 10-10-2018 Learned counsel for the appellant fairly conceded that this appeal has wrongly been filed under the proviso to Section 372 of the Code of Criminal Procedure against the order passed by the learned Additional Chief Judicial Magistrate, Rohtas in G.R. Case No.758 of 2006/Tr. No.356 of 2017 whereby the respondents no.2 to 4 have been acquitted of the charges under Sections 25(1-B)(a), 26, and 27 of the Arms Act and Sections 325, 326, 341, 323 and 341 of the Indian Penal Code. He contended that, as a matter of fact, the order passed by the learned Additional Chief Judicial Magistrate was challenged in appeal before the learned Sessions Judge, Rohtas vide Cr. Appeal No.14 of 2018, which was



dismissed, vide order dated 16.02.2018. In that view of the matter, only a revision could have been filed before this Court against the order of the learned Sessions Judge and not an appeal against the order of learned Additional Chief Judicial Magistrate.

In the above background, learned counsel for the appellant sought leave to withdraw the present application.

Leave is granted.

(Ashwani Kumar Singh, J)

Md.S./-

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