

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2244 of 2018

Arising Out of PS.Case No. -181 Year- 2003 Thana -MANER District- PATNA

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Gajendra Singh @ Gajendra Prasad Singh son of Ramadhar Singh,
resident of village- Jeev Rakhan Tola (Darbeshpur), P.S.- Maner, District-
Patna.

.... Appellant/s

Versus

1. The State of Bihar
2. Jayanandan Singh, son of Late Sarvanand Singh
3. Arun Singh, son of Shivnandan Singh
4. Kishore Singh, son of Jaynandan Singh
5. Kamta Singh, son of Chandra Shekhar Singh
6. Bhupa Singh, son of Ram Govind Singh
7. Ramashankar Singh, son of Jaynandan Singh
8. Ram Kumar Singh, son of Bhupa Singh
9. Sikandar Singh, son of Bhupa Singh
10. Banarsi Singh, son of Late Sarvanand Singh
11. Pramod Singh, son of Sri Banarsi Singh
12. Bijendra Singh, son of Bhupa Singh
13. Sanjay Singh, son of Sri Banarsi Singh.

All residents of village- Jeev Rakhan Tola (Darbeshpur), P.S.-
Maner, District- Patna.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Md. Aslam Ansari, Advocate

For the Respondent/s : Mrs. Abha Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 09-10-2018 Heard learned counsel for the appellant and learned
counsel for the State.

This appeal under proviso to Section 372 of the Code
of Criminal Procedure has been filed challenging the judgment of
acquittal dated 21.04.2018 passed by the learned Additional
District and Sessions Judge-1, Danapur, Patna in Session Trial
No.1298 of 2005 whereby respondents no.2 to 13 have been
acquitted of the charges under Sections 147, 148, 341, 307, 323,
324 and 504 of the Indian Penal Code.



By way of an interlocutory application vide I.A. No.2355 of 2018, the appellant has sought for leave to appeal against the aforestated judgment of acquittal dated 21.04.2018.

Since the appellant has filed the instant appeal as a Singly Judge appeal, office has placed this case under the heading “For Orders (On Office Notes)”.

The offence punishable under Section 307 of the Indian Penal Code prescribes punishment for a term which may extend to imprisonment for life. In that view of the matter, an appeal before the Single Judge against judgment of acquittal under proviso to Section 372 of the Code of Criminal Procedure would not be maintainable. Such an appeal would be maintainable only before the Division Bench.

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

Accordingly, this appeal is disposed of with liberty to the appellant to file another appeal challenging the impugned judgment before this Court in accordance with law.

I.A. No.2355 of 2018 also stands disposed of.

(Ashwani Kumar Singh, J)

Md.S./-

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