

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2617 of 2019

In
CRIMINAL APPEAL (DB) No.462 of 2019

Arising Out of PS. Case No.-139 Year-2013 Thana- MAKHDUMPUR District- Jehanabad

=====

MUNNA KUMAR Son of Shiv Nandan Yadav Resident of Village - Dhira Bigha, P.S.- Makhdumpur (Tehta), Distt - Jehanabad.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Rajdeo Yadav Son of Late Ram Balak Yadav Resident of Village - Dhira Bigha, P.S.- Makhdumpur (Tehta), Distt - Jehanabad.
3. Ranbir Yadav Son of Sri Rajdeo Yadav Resident of Village - Dhira Bigha, P.S.- Makhdumpur (Tehta), Distt - Jehanabad.
4. Babloo Kr. Son of Jageshwar Yadav Resident of Village - VIP Gali, Tehta, P.S.- Makhdumpur, Distt - Jehanabad.

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Jagdish Prasad, Advocate
For the Respondent/s : Km. Shashi Bala Verma, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

4 24-09-2019 Heard learned counsel for the appellant as well

learned A.P.P. for the State.

Learned counsel for the appellant, who submits that in accordance with Section 372 of the Cr.P.C, informant being an injured as well as to be the victim is entitled to file an appeal against the judgment of acquittal before the Court to whom ordinarily the appeal against the conviction would lie which, in the facts and circumstances, happens to be the Court of Sessions Judge whereupon the appellant be allowed to withdraw the instant appeal so that he be able to file in accordance with



Section 372 of the Cr.P.C. before the competent appellate Court.

Accordingly, the instant appeal is dismissed as withdrawn.

If appeal is filed within the fortnight, then in that circumstance, there would not be a question of limitation otherwise appellant to have explain the delay.

(Aditya Kumar Trivedi, J)

T.Kr./-

U		T	
---	--	---	--

