

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (DB) No.1103 of 2019

Arising Out of PS. Case No.-100 Year-2010 Thana- KHAJEKALA District- Patna

Arti Mishra D/O- Ashok Kumar Mishra Resident of Village- Near Kath ki
Devi Ji, P.S.- Khajekala, District- Patna.

... .. Informant/Appellant

Versus

1. The State of Bihar
2. Savita Sharma D/o Late Kashinath Sharma Resident of Village- Bankey Rai,
Kuncha , Sadar Gali, P.S.- Khejekala, Dstt- Patna
3. Pramod Sharma S/o Late Kashinath Sharma Resident of Village- Bankey
Rai, Kuncha , Sadar Gali, P.S.- Khejekala, Dstt- Patna
4. Sohan Sharma S/o Late Kashinath Sharma Resident of Village- Bankey Rai,
Kuncha, Sadar Gali, P.S.- Khejekala, Dstt- Patna
5. Mohan Kumar Sharma S/o Late Kashinath Sharma Resident of Village-
Bankey Rai, Kuncha, Sadar Gali, P.S.- Khejekala, Dstt- Patna
6. Uma Sharma S/o Late Kashinath Sharma Resident of Village- Bankey Rai,
Kuncha ,Sadar Gali, P.S.- Khejekala, Dstt- Patna

... .. Respondents

Appearance :

For the Appellant : Mr.Vijay Kumar Mishra, Advocate
For the Respondent : Mr.Abhimanyu Sharma, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
and
HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH)

Date : 29-01-2020

Heard learned counsel for the appellant and
perused the office notes.

2. This appeal under the proviso to Section 372
of the Code of Criminal Procedure has been filed by the
appellant for setting aside the judgment dated 25.06.2019 passed
by the learned SDJM, Patna City in G.R. No.1711 of 2010
corresponding to Trial No. 5001 of 2019 whereby respondent



nos. 2 to 6 have been acquitted from the charges under Section 498A and 3 and 4 of the Dowry Prohibition Act.

3. An appeal under the proviso to Section 372 of the Code of Criminal Procedure against the judgment of acquittal passed by a court of Magistrate would lie before the Sessions Judge and not before this Court.

4. In that view of the matter, the instant appeal is not maintainable before this Court. Accordingly, it is dismissed with liberty to the appellant that if so advised, he may challenge the impugned judgment before the appropriate court in accordance with law.

(Ashwani Kumar Singh, J)

(Partha Sarthy, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.01.2020
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