

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (DB) No.1286 of 2019**

Arising Out of PS. Case No.-136 Year-2009 Thana- SC/ST District- Munger

SUNITA DEVI, Wife of Raj Kumar Chaudhary, Resident of Village- English Lakhisarai, P.S.- Lakhisarai, District- Lakhisarai.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sube Lal Yadav @ Sube Yadav, Son of Ram Swaroop Yadav, Resident of Village- English Lakhisarai, P.S.- Lakhisarai, District- Lakhisarai.
3. Gautam Kumar Son of Sube Yadav, Resident of Village- English Lakhisarai, P.S.- Lakhisarai, District- Lakhisarai.
4. Govindi Yadav @ Govinda Yadav @ Gobind Yadav, Son of Sube Yadav Resident of Village- English Lakhisarai, P.S.- Lakhisarai, District- Lakhisarai.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rajesh Kumar
For the Respondent/s : Mrs. Usha Kumari 1

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

(Per: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH)

3 18-01-2020 At the outset learned counsel for the appellant submitted that inadvertently the instant appeal has been filed under the proviso to Section 372 of the Code of Criminal Procedure. He submitted that the same should have been filed under Section 14(A)(1) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for short the 'SC/ST Act') as the same provides that notwithstanding anything contained in the Code of Criminal Procedure 1973 an appeal shall lie in the



judgment or order not being interlocutory order of a Special Court or an Exclusive Special Court of the High Court both on facts and on law.

Having said so, he sought leave to withdraw the present appeal with liberty to file an appropriate appeal under Section 14(A)(1) of the Act before this Court.

Leave is granted.

The appeal is disposed of.

(Ashwani Kumar Singh, J)

(Partha Sarthy, J)

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