

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.884 of 2017**

Arising Out of PS. Case No.-153 Year-1999 Thana- UDWANTNAGAR District- Bhojpur

Shesmuni Singh Son of Late Magan Singh, R/o Village- Chhotaki Sasaram ,
P.S.- Udwanthnagar, District- Bhojpur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Chandradeo Singh Son of Late Magan Singh
3. Umesh Singh Son of Chandradeo Singh
4. Manoranjan Singh, Son of Chandradeo Singh
5. Sunaina Devi W/o Chandradeo Singh, All are R/o Village- Chhotaki Sasaram, P.S.- Udwanthnagar, District- Bhojpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Anant Kumar Pandey, Adv.
For the Respondent/s	:	Mr. Md. Ashlam Ansari, APP

**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT**

Date : 04-05-2023

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The present criminal revision application has been
filed against the order dated 10.08.2016 passed by the learned
Additional District Judge-IVth, Bhojpur at Ara in Sessions Trial
No. 99 of 2001 arising out of Udwanthnagar P.S. Case No. 153 of
1999 in which charge has been framed under Sections 452, 323,
325/ 34 and also under Section 307 of the I.P.C. read with
Section 324 of the I.P.C.

Counsel for the petitioner submits that the Trial

Court has passed order on 10.08.2016. The petitioner is informant/ victim in the said case.

Counsel for the State submits that the petitioner's case is based on Section 401(5) of the Cr.P.C., then conjugal reading of Section 401(4) of the Cr.P.C. and the proviso of Section 372 of the Cr.P.C. empowers the informant being a victim to prefer an appeal against convicting to the accused for a lesser offence and it is also directed that such appeal shall lie to the Court to which an appeal ordinarily lie against the order of conviction of the Court.

Upon specific query from the counsel for the petitioner that whether the order/ judgment impugned has been challenged anywhere, then he submits that the accused of the said Sessions Trial have challenged appeal before this Court which is still pending.

In this view of the matter, this Court is not inclined to entertain in the present case, therefore, this criminal revision application is hereby dismissed but liberty is hereby granted that informant/ victim (petitioner) may avail remedy under proviso of Section 372 of the Cr.P.C. because it is categorically mentioned by the law maker in the said Section that victim shall have right to prefer appeal against any order passed by the Court

convicting for a lesser offence and such appeal shall lie to the Court to which an appeal ordinarily lies against the order of conviction of such Court.

Here in the present case, the appeal lies against the order of conviction of such Court before this Hon’ble Court in criminal appeal by the convicted persons.

As such, the criminal appeal by the informant/ victim shall also lie before this Court under proviso of Section 372 of the Cr.P.C.

In this view of the matter, the present criminal revision application stands disposed off.

(Dr. Anshuman, J.)

sadique/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	