

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.3 of 2022

Arising Out of PS. Case No.-37 Year-2019 Thana- GAYA COMPLAINT CASE District-
Gaya

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1. SANT KUMAR Son of Late Tribhuwan Singh Resident of Village- Pasandha, P.S.- Sigori, District- Patna.
 2. Sujay Kumar Son of Late Tribhuwan Singh Resident of Village- Pasandha, P.S.- Sigori, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through superintendent of police, Gaya, Bihar
2. Babita Devi Wife of Late Sudhir Kumar Resident of Village- Pasandha, P.S.- Sigori, District- Patna, at present Village- Chandhria, P.S.- Jehanabad, District- Jehanabad.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Prateek Tandon
For the Respondent/s : Mr. Deepak Kumar, AC to GP 4

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 17-08-2023 1. The petitioner has challenged the order dated 22-12-2017 passed by learned S.D.J.M., Gaya in Complaint Case No. 37 / 2017 under Section 23 (2) of the Protection of Women From Domestic Violence Act, 2005.
2. The impugned order is appealable inasmuch as under Section 29 of the Protection of Women from Domestic Violence Act, 2005, there shall lie an appeal before the court of Session.
3. In view of the aforesaid, learned counsel for the petitioner seeks permission to withdraw this writ application



with liberty to file appeal before the learned Session Judge,
Gaya.

4. Permission is granted.

5. The writ application is dismissed as withdrawn
with liberty to the petitioner to file appeal. If such appeal is filed
by the petitioner within fifteen days from today along with
condonation of delay petition, the learned Session Judge, Gaya
shall consider the same in accordance with law.

(Anil Kumar Sinha, J)

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