

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.274 of 2023

Arising Out of PS. Case No.-409 Year-2009 Thana- COMPLAINT CASE District- Jamui

Meena Devi Wife Of Sakendra Kumar @ Sakindra Sharma Village. Purna Khara, P.S Khara, District Jamui At Presnet Daughter Of Late Bhikho Mistry, Resident Of Village- Lakhay, Ps- Barhat, Distt- Jamui

... .. Petitioner/S

Versus

1. The State Of Bihar Bihar
2. Sakendra Sharma Son Of Ram Jatan Sharma Resident Of Village- Purna Khara, Ps- Khara, Distt- Jamui
3. Ram Jatan Sharma Son Of Baleshwar Sharma Resident Of Village- Purna Khara, Ps- Khara, Distt- Jamui
4. Hatendra Sharma Son Of Ram Jatan Sharma Resident Of Village- Purna Khara, Ps- Khara, Distt- Jamui
5. Jitendra Sharma Son Of Ram Jatan Sharma Resident Of Village- Purna Khara, Ps- Khara, Distt- Jamui
6. Narendra Sharma Son Of Ram Jatan Sharma Resident Of Village- Purna Khara, Ps- Khara, Distt- Jamui
7. Chinta Devi Wife Of Ram Jatan Sharma Resident Of Village- Purna Khara, Ps- Khara, Distt- Jamui
8. Shobha Kumari D/O Ram Jatan Sharma Resident Of Village- Purna Khara, Ps- Khara, Distt- Jamui
9. Fulo Devi Daughter Of Bahandra Mishtry Resident Of Village- Chogwa, Ps- Kanwakol, Distt- Jamui

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Patel, Adv.
For the Respondent/s : Mr. Zainul Abedin, Adv.

CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL ORDER

4 25-10-2024 This revision petition has been preferred by the petitioner being aggrieved with the judgment dated 15.12.2022 passed by the learned Additional District & Session Judge, Jamui in Criminal Appeal No. 49/2018 whereby and whereunder the learned Appellate Court affirmed the judgment



of acquittal of the accused persons/ respondents passed by the learned S.D.J.M. Jamui vide its judgment dated 22.02.2018.

2. Perusal of both the orders as mentioned earlier it transpires that initially the learned S.D.J.M. Jamui vide its judgment dated 22.02.2018 acquitted all the accused persons i.e. respondent no. 2 to 9 for the offences punishable under Section 498A of IPC and also acquitted respondent no. 02 for the alleged offences under Section 494 of IPC. Since, it was a complaint case therefore as contained in Section 378(4) of Cr.P.C., the petitioner preferred a SLA No. 35 of 2018 before this Court and the Co-ordinate Bench of this Court vide its Order dated 20.11.2018 granted leave to file the appeal. However, the petitioner has not filed any appeal even after getting the leave from this Court, before this Court rather he wrongly filed the appeal before the learned Additional District and Session Judge and the learned Additional District and Sessions Judge also entertained the said appeal and passed the impugned order.

3. Since as provided in Section 378(4) of Cr.P.C. in complaint cases against the acquittal appeal will lie before the High Court and leave has been already granted to the petitioner but he failed to produce any appeal before this Court and



wrongly filed the appeal before the learned Additional District and Session Judge.

4. At this stage, learned counsel for the petitioner submit that he may be permitted to withdraw this petition giving liberty to file an acquittal appeal before this Court or a petition under Section 384 of the Cr.P.C.

5. On the basis of above submission made by the learned counsel for the petitioner, this revision petition is dismissed as withdrawn giving aforesaid liberty to the petitioner.

(Arvind Singh Chandel , J)

Siddharth Soni/-

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

