

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3759 of 2024

Arising Out of PS. Case No.-81 Year-2017 Thana- HATHIDAH District- Patna

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Karu Singh S/o Pramod Singh @ Pramod Kumar Singh Resident of Village
Aunta, Raghuram Tola, Ward No. 7, Police station - Hathidah, Sub Division
Barh, District- Patna

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Ravi Shanker Pankaj
For the Respondent/s : Mr.Syed Ashfaque Ahmad

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 14-08-2024 1. Heard learned counsel appearing on behalf
of the parties.

2. Present appeal has been filed against the
judgment passed by Id. Additional District and Sessions
Judge, Barh, Patna in which one of the under trial
accused was convicted under Section 302 of the I.P.C.
and sentenced to undergo rigorous imprisonment for life.

3. It is submitted by learned counsel that as
this appellant was sentenced for two years only, upon
conviction under Section 324 of the I.P.C. and also
under Section 27 of the Arms Act, his appeal must lie
before this Court, i.e., Single Judge.



4. Now the question is whether appeal would lie before the the Single Judge or the Division Bench.

5. In aforesaid context it would be apposite to reproduce relevant part of Cr. APP (SJ). No. 4152 of 2018 dated 06.11.2018, where the similar issue was dealt in details. For better understanding same is being reproduced herein below:

" In this regard, one may refer to Chapter XII of the Rules of the High Court at Patna wherein the procedure in criminal cases has been incorporated. Rule 35 in Chapter XII provides that criminal appeals other than Jail appeals shall be presented in open Court. Rule 36 provides that Jail appeals may be received by post. It further provides that in the case of such appeals after the Trial Assistant has reported it whether it is within time and admissible, the Registrar shall submit it with a copy of judgment or order appealed against to a Bench for orders. Proviso to Rule 36 provides that an appeal in which substantive sentence up to and inclusive of ten years has been passed shall be laid before a Single Judge for admission. All other



appeals in which sentence is more than 10 years has to be laid before a Division Bench for admission.

In the present case, as one of the accused has been sentenced to life imprisonment, in the opinion of this Court, an appeal would lie before the Division Bench. It is immaterial that other accused persons have been awarded less than 10 years punishment. It is the maximum sentence awarded by the trial court after completion of the trial, which would be material for consideration as to whether the appeal would lie before the Single Judge or the Division Bench.”

6. Accordingly, in view of aforesaid, this appeal which has been filed before Single judge is not maintainable in law. Hence same is disposed of, accordingly.

7. The appellant would be at liberty to file another appeal in the same subject matter before this Court in accordance with law before the Division Bench against the judgment impugned.

8. In case, the appellant supply Xerox copies of



the impugned judgment and the order by which he has been granted provisional bail, the Registry shall return the certified copies to the learned counsel for the appellant after retaining photo copies on the record.

(Chandra Shekhar Jha, J)

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