

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.14 of 2020

Arising Out of PS. Case No.-66 Year-2004 Thana- ARA NAGAR District- Bhojpur

Chhathi Lal Yadav Son Of Late Brahmdev Prasad Resident Of Meerachak,
P.S.- Ara Town, District- Bhojpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nandji Yadav Son of Ramji Yadav Resident of Meerachak, P.S.- Ara Town, District- Bhojpur
3. Lal Babu Yadav Son of Markat Yadav Resident of Meerachak, P.S.- Ara Town, District- Bhojpur
4. Somaru Yadav Son of Markat Yadav Resident of Meerachak, P.S.- Ara Town, District- Bhojpur
5. Dhurendra Yadav Son of Markat Yadav Resident of Meerachak, P.S.- Ara Town, District- Bhojpur
6. Deo Kumar Yadav Son of Ram Kumar Yadav Resident of Meerachak, P.S.- Ara Town, District- Bhojpur
7. Dhanlal Yadav Son of Lalu Yadav Resident of Meerachak, P.S.- Ara Town, District- Bhojpur
8. Anil Yadav Son of Lilu Yadav Resident of Meerachak, P.S.- Ara Town, District- Bhojpur
9. Hareram Yadav Son of Ram Kumar Yadav Resident of Meerachak, P.S.- Ara Town, District- Bhojpur
10. Bhuwar Yadav Son of Ram Kumar Yadav Resident of Meerachak, P.S.- Ara Town, District- Bhojpur

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Rajendra Nath Sinha, Advocate
For the State	:	Mr. Pranav Kumar, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 29-07-2025 The present criminal revision petition has been preferred by the petitioner against the judgment and order of sentence dated 30.09.2019, passed by learned Fast Track Court-1, Bhojpur at Ara in Sessions Case No. 184 of 2005, arising out



of Ara Town P.S. Case No. 66 of 2004, whereby learned Fast Track Court-1, Bhojpur at Ara has convicted the opposite party Nos. 2 to 10 under Section 323 of the Indian Penal Code but acquitted them of charge under Sections 307, 452, 427, 379 and 506 of the Indian Penal Code. As such, this Criminal Revision Petition has been filed against acquittal of the opposite party Nos. 2 to 10.

2. The petitioner, being informant and victim, is aggrieved by the judgment of part acquittal of the private opposite parties No. 2 to 10.

3. This Court in **Suman Devi Vs. State of Bihar & Anr.** as reported in **2025 SCC Online Pat 1862/ MANU/BH/0406/2025/AIR Online 2025 PAT 224** has elaborately discussed the remedy available to the victim in case of acquittal and as per this judgment, this Court has held that the victim/petitioner has remedy to file Criminal Appeal to this Court under the Proviso to Section 372 Cr.PC without any leave or special leave. It has been further held that in view of Section 401(4) Cr.PC, Criminal Revision is not maintainable, because when remedy of Criminal Appeal is available, Criminal Revision is barred under Section 401(4) Cr.PC. However, under Section 401 Cr.PC, this Court can convert the Criminal Revision



into Criminal Appeal and treat the same accordingly and decide it on merit.

4. Accordingly, the present Criminal Revision petition is converted into Criminal Appeal.

5. Office is directed to do necessary correction in the Revision Petition as per law and list the Criminal Appeal before the appropriate Bench with permission of Hon’ble the Chief Justice.

(Jitendra Kumar, J.)

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