

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (DB) No.719 of 2025

Arising Out of PS. Case No.-196 Year-2020 Thana- VIDYAPATINAGAR District-
Samastipur

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Suman Kumar Chaudhary @ Aman @ Aman Kumar Chaudhary @ Chhabban
Chaudhary @ Chhabban S/O Late Om Prakash Chaudhary R/O Village-
Sherpur, P.S- Vidyapatinagar, Distt.- Samastipur

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Suneil Kumar Thakur, Adv.

For the Respondent/s : Mr.Satya Narayan Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
and
HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

3 06-08-2025 The matter has been placed before this Court with

stamp report defect no. 6(1) i.e., this petition perhaps may be

filed in Cr. Appeal (SJ) and after that fresh stamp reporting be

needed.

2. Learned counsel for the appellant has placed

before this Court a copy of the order dated 27.01.2025 passed

by the Hon'ble Division Bench in Cr. Appeal (DB) No. 1386 of

2024 in Cr. Appeal (SJ) No. 3526 of 2024. It is submitted that

the Hon'ble Division Bench has taken note of the decision of

the Hon'ble Full Bench of this Court and it has been held that

when the sentence upto ten years has been imposed by the trial

court, the convict can file appeal as Cr. Appeal (SJ) before



learned Single Judge and such type of appeal is maintainable before the Single Judge. However, as a matter of practice, learned Single Judge can direct the office to tag the said Criminal Appeal (SJ) with Criminal Appeal filed by the co-convict where the sentence of more than ten years has been imposed by the trial court by the same judgment and thereafter, Cr. Appeal (SJ) can be heard and decided by the Division Bench.

3. Recently, in Cr. Appeal (DB) No. 512 of 2025, we have noticed a similar kind of stamp reporting wherein the matter was placed before this Bench by order of the learned Joint Registrar (Judicial) after holding that the defect relates to maintainability.

4. It is evident that despite the Division Bench judgment, the stamp reporting is not taking note of the fact that Cr. Appeal (SJ) would be maintainable and the Joint Registrar (Judicial) is placing the matter before the Bench. Such matter may be resolved at the stage of stamp reporting itself.

5. While permitting the appellant to convert this appeal in Cr. Appeal (SJ), this Court directs that henceforth identical matters are not required to be referred to the Bench on the ground of maintainability. The Division Bench judgment of



this Court in Cr. Appeal (DB) No. 1386 of 2024 is crystal clear
and that must be followed.

(Rajeev Ranjan Prasad, J)

(Ajit Kumar, J)

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