

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.47 of 2022

Arising Out of PS. Case No.-80 Year-2008 Thana- RAMGARHWA District- East Champaran

Sheikh Safi Ahmad @ Shekh Safi Ahemand Son of Late SK. Taiyab @ Shekh Taiyab Resident of Village - Bela P.S. - Ramgarhwa District - East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Jalaluddin Son of Late Mainuddin @ Late Shekh Mainuddin Resident of Village - Bela Sheikh Toli, P.S. - Ramgarhwa District - East Champaran.
3. Ruhul Haq @ Ruhul Haque Son of Late Alimuddin Resident of Village - Bela Sheikh Toli, P.S. - Ramgarhwa District - East Champaran.
4. Aman @ Amin Son of Late Alimuddin Resident of Village - Bela Sheikh Toli, P.S. - Ramgarhwa District - East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Vijay Shankar Shrivastava, Advocate
For the Respondent/s	:	Mr. Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

5 18-02-2026 The petitioner has preferred the instant revision petition against the judgment and order dated 02.11.2021 passed in Criminal Appeal No. 76 of 2017 by the learned Additional Sessions Judge, East Champaran, Motihari, whereby and whereunder the learned appellate court dismissed the appeal of the petitioner and affirmed the judgment and order dated 25.08.2017 passed by the learned Judicial Magistrate 1st Class, Raxaul, East Champaran, Motihari in G.R. No. 389 of 2008 (Trial No. 894 of 2017), CIS No. 9119 of 2015 arising out of Ramgarhwa P.S. Case No. 80 of 2008, by which opposite party



Nos. 2 to 4 were acquitted by the learned trial court.

02. Section 372 r/w 378(2)(b) and 401(4) of the Code of Criminal Procedure, 1973 (Section 413 r/w 419(2)(b) and 442(4) of BNSS, 2023) prescribes that an appeal would lie against the impugned judgment and orders. Further, the Co-ordinate Bench of this Court vide judgment dated 04.04.2025 passe in ***Criminal Revision No. 105 of 2019 (Rekha Devi Vs. The State of Bihar & Ors.)*** has also come to the finding that in such circumstances, the remedy to petitioner is to file Criminal Appeal to this Court under the Proviso to Section 372 Cr.PC. At the same time, Section 401(5) of Cr.P.C. provides that where under this Code an appeal lies but an application for revision has been made to the High Court by any person and the High Court is satisfied that such application was made under the erroneous belief that no appeal lies thereto and that it is necessary in the interests of justice so to do, the High Court may treat the application for revision as a petition of appeal and deal with the same accordingly.

03. Faced with the situation, the learned counsel for the petitioner seeks permission to convert the instant criminal revision petition into criminal appeal.

04. Permission is accorded.



05. Learned counsel for the petitioner is directed to convert the present criminal revision petition into criminal appeal within a week.

06. The office is directed to extend all cooperation to the learned counsel for the petitioner towards conversion and thereafter place the matter before appropriate Bench.

(Arun Kumar Jha, J)

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