

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.254 of 2025

Arising Out of PS. Case No.-109 Year-2014 Thana- SONO District- Jamui

Umashankar Thakur S/O Late Baldeo Hazam Resident of Village - Matihana,
P.S- Sono, Dist- Jamui

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dashrath Prasad Mandal S/O Late Basudeo Prasad Mandal Resident of
Village - Matihana, P.S- Sono, Dist- Jamui

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Amrendra Kumar, Advocate
For the State	:	Mr.Surendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 20-07-2026 The present revision petition has been filed against the judgment dated 07.12.2024 passed by learned Additional Sessions Judge-V, Jamui in Criminal Appeal No. 14 of 2022, whereby and whereunder the learned appellate court dismissed the said criminal appeal and affirmed the judgment dated 12.09.2022 passed by learned A.C.J.M.-II, Jamui in G.R. Case No. 1202 of 2014 arising out of Sono P.S. Case No. 109 of 2024, whereby the opposite party no. 2 has been acquitted from the charges framed under Sections 420, 467, 468 and 471 of the Indian Penal Code.

02. Though the office has pointed out certain defects, but failed to raise question of maintainability of the present



revision petition since the revision has been filed against the appellate court judgment of acquittal.

03. Section 372 of the CrPC/413 of BNSS provides for special right to the victim of a crime to prefer an appeal against any order passed by the Court acquitting the accused. This issue came up before a learned Co-ordinate Bench in Criminal Revision No. 105 of 2019 and vide judgment dated 04.04.2025, the learned Co-ordinate Bench came to the conclusion that the petitioner has remedy to file criminal appeal under the proviso to Section 372 CrPC without any Leave or Special Leave and as the remedy was available for filing criminal appeal by the victim-petitioner, the present criminal revision was barred by Section 401(4) CrPC. The learned Co-ordinate Bench also held that sub-section 5 of Section 401 CrPC enables this Court to convert the criminal revision into criminal appeal and treat the same accordingly and to decide it on merit.

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

05. Permission is accorded.

06. He is directed to convert the present revision petition into criminal appeal, within two weeks.



07. Office is directed to extend all cooperation
towards conversion.

(Arun Kumar Jha, J)

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