

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.511 of 2025

Arising Out of PS. Case No.-245 Year-2015 Thana- NAUHATTA District- Saharsa

Md. Matin @ Sheikh Matin S/o Late Shekh Mohammad Resident of Village -
Fekrahi, PS- Nauhatta, Distt.- Saharsa

... .. Petitioner/s

Versus

1. The State of Bihar
2. Lutufur Rehman S/o Late Ishaq Kha R/o vill - Fekrahi, P.s. - Nawhatta, Distt.- Saharsa
3. Tafijur Rehman @ Chotte S/o Lutufur Rehman R/o vill - Fekrahi, P.s. - Nawhatta, Distt.- Saharsa
4. Mumtaz S/o Lutufur Rehman R/o vill - Fekrahi, P.s. - Nawhatta, Distt.- Saharsa
5. The Public Prosecutor, Saharsa Civil Court, Saharsa Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Balkrishna Mishra, Advocate
For the State : Mr.Narsingh Tanti, 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 21.01.2025 passed by learned Principal Sessions Judge, Saharsa in Sessions Trial No. 136 of 2021 arising out of Nauhatta P.S. Case No. 245 of 2015, whereby the opposite party nos. 2, 3 and 4 have been acquitted from the charges framed under Sections 341, 325/34, 307/34, 379, 504 and 506 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 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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