

Cr. Appeal No. 24/2018

22.01.2020

O R D E R

This record is put up today for order on the petition dated 16.03.2019 filed by the appellant Bharat Rishideo for withdrawal of the appeal and the petition filed by Raghubir Yadav, Sajjan Kumar Singh and Lalita Devi on 18.03.2019.

The petitioner has stated in his petition that he was not aware of the instant appeal since before because of he is an illiterate person but he can do his signature anyhow and the Ex-Mukhiya Sri Madan Mohan Singh obtained his signature on false and wrong pretext and used in this appeal due to village politics while he was not beneficiary of Koshi Rehabilitation Scheme so he does not come under the purview of section 372 of Cr.P.C. and he has been illegally made party in this appeal, hence this appeal is not sustainable. It is further stated in the petition that Madan Mohan Singh always took advantage of illiteracy and nobility of the petitioner and others and kept them under threat and mishandled them for his personal benefit and today he is withdrawing his power filed by his Learned Lawyer in this case and the petitioner will have no authority to make pairvi in this appeal from today. The petitioner has lastly prayed to withdraw the instant criminal appeal.

Another petition has been filed on behalf of Raghubir Yadav, Sajjan Kumar Singh and Lalita Devi on 18.03.2019 stating therein that these petitioners have been exploited and cheated by the accused persons of this case and charges have been framed u/s. 420, 386, 504, 306/34 of I.P.C. and during the course of trial these petitioners and one Bhola Mandal have been examined as PW. 2, 12, 14 & 10 respectively by the Learned Lower Court who have completely supported the prosecution case and the appellant had also supported the prosecution case during trial before the Learned Lower Court. Earlier these petitioners along with the appellant namely Bharat Rishideo have jointly filed a transfer petition vide Misc. Petition No. 17/2018 before this Court and during the pendency of aforesaid transfer petition the Learned Lower Court has concluded the trial and acquitted the accused persons and being aggrieved these petitioners

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jointly filed this appeal in the name of the appellant Bharat Rishideo but the appellant has been gained over by the accused persons of this case. These petitioners are victims of the occurrence and they are ready to argue in the instant appeal against the order dated 25.07.2018 passed by the Learned Lower Court in G.R. Case No. 83/2011. These petitioners have lastly prayed to allow these petitioners to make pairvy in the appeal as appellant for the ends of justice.

Heard both parties on the petitions and perused the Lower Court's case record. From perusal of the Lower Court's case record it appears that originally the case has been filed by the B.D.O., Singheshwar against the accused persons. The appellant is not informant of this case. The petitioners of the petition dated 18.03.2019 are also aggrieved and victim of this case. On behalf of the appellant a judgment of Hon'ble Patna High Court has been filed passed in L.P.A. 286/2016, Dasgupta Rupashree Vs. The State of Bihar & Ors., published at 2018 (3) P.L.J.R. in which the Hon'ble Court held that Practice and Procedure - Denial of withdrawal of writ application - no person can be compelled to continue with his petition, more so when the withdrawal is unconditional. But in the present case the appellant is not informant of this case rather a Government agency i.e. the B.D.O. filed this case and the petition of the appellant is allowed only that he is permitted not to make pairvi in this appeal in future but if the other aggrieved who has filed the petition on 18.03.2019 wants to make pairvi and point out some illegality or irregularity committed by the Learned Lower Court in passing judgment then in the interest of justice and just decision of this appeal the petitioners Raghubir Yadav, Sajjan Kumar Singh and Lalita Devi are permitted to co-operate and argue the case on the next date. With the above observation both the petitions are hereby disposed of.

Put up on 20.02.2020 for hearing.

Dictated

Sessions Judge,
Madhepura.