

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Appeal (S.J.) No. 223 of 2025

Kishore Sahu

.....Appellant

Versus

The State of Jharkhand

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY PRASAD

For the Appellant : Mr. A.K Kashyap, Sr. Advocate

Mr. Anurag Kashyap, Advocate

For the State : Ms. Kumari Rashmi, A.P.P

02/18.08.2025 Though, this Criminal Appeal (S.J.) No. 223 of 2025 was admitted on 03.04.2025 by this Court as it was not pointed out by the learned counsel for the appellant that it relates to conviction and sentence passed under the provision of the Prevention of Terrorism Act, 2002. However, while going through the Lower Court Records and the impugned judgment, it appears that the instant Criminal Appeal has been filed on behalf of the appellant challenging the judgment of conviction dated 12.02.2025 and sentence dated 17.02.2025 passed by Sri Diwakar Pandey, then learned Special Judge, Ranchi in Special Case No. 21 of 2002 (P) (arising out of Ghaghra P.S. Case No. 07/02) by which the appellant has been convicted for the offences under Sections 3(4), 3(5) and 20(2) of Prevention of Terrorism Act, 2002 and Section 25(1-B)a and Section 26(1) of Arms Act and sentenced to undergo imprisonment on different counts.

2. It appears that at the time of filing this appeal, neither the learned counsel for the appellant nor the Office nor the Stamp Reporter were vigilant that this Criminal Appeal was not maintainable under Section 415(2) of B.N.S.S, 2023, rather the

criminal appeal was required to be filed under Section 34 of the Prevention of Terrorism Act, 2002, which has to be heard by the Bench of two Hon'ble Judges of this High Court as per the provisions of Section 34(2) of Prevention of Terrorism Act, 2002.

3. Thus, the order dated 03.04.2025 passed by this Court, by which this Criminal Appeal (S.J.) No. 223 of 2025 was admitted, is recalled to the extent indicated above and the appeal may be required to be placed under the heading for Admission before the Hon'ble Division Bench of this Court as the Single Judge has got no jurisdiction to admit the instant appeal.

4. Learned Senior counsel for the appellant is directed to file a second copy of the brief and thereafter, Stamp Reporter will do fresh Stamp Reporting.

5. Under the circumstances, let this criminal appeal be placed before Hon'ble the Chief Justice for listing this matter before the Appropriate Hon'ble Division Bench of this Court.

(Sanjay Prasad, J.)

Kamlesh/