

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Criminal Miscellaneous Petition No. 368 of 2010

Mumtaz Ansari Petitioner
Versus

- 1.The State of Jharkhand
- 2.Riyaz Rijavi Bharti @ Riyaz Ansari
- 3.Rebul Ansari
- 4.Wasim Ahmad Khan Opposite Parties

CORAM : HON'BLE MR. JUSTICE RONGON MUKHOPADHYAY

For the Petitioner : None
For the Opposite Party : A.P.P.

3/22.12.2014 No one appears on behalf of the petitioner.

This present application has been filed under the provisions of Section 378(4) of the Code of Criminal Procedure for a special leave to appeal against the order of acquittal dated 14.10.2009 passed by 5th Additional Sessions Judge (FTC), Jamtara in S. T. No. 120 of 2006.

Since, there is a specific provision under Section 372 of the Code of Criminal Procedure giving right to the victim to prefer appeal against any order passed by the Court acquitting the accused, the Cr.M.P. No. 368 of 2010 in its present form is not maintainable. Reference in this connection may be made to the judgment reported in **2013 (4) JCR 280 (Jhr.)** in the case of “*Chandan Agarwal Vs. Rajeev Ranjan Asthana and another*”.

In such view of the matter, this application is dismissed as not maintainable. However, the petitioner/complainant is at liberty to file an appeal under Section 372 of the Cr.P.C. before the appropriate forum.

Accordingly, this criminal miscellaneous petition is dismissed as not maintainable.

(R. Mukhopadhyay, J)