

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.330 of 2012

Arising Out of PS.Case No. -0 Year- null Thana -null District- SITAMARHI

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1. Ram Sogarath Sah @ Sogarath Sah, son of Maujee Sah
2. Ram Chandra Sah @ Chandan Sah, son of Ram Swarath Sah
Both are resident of village Mahindrawara, P.S. Runisaidpur, Distt. Sitamarhi
.... Petitioner/s

Versus

1. The State of Bihar
2. Rambabu Sah, son of Shivjee Sah, resident of village Mahindrawara, P.S. Runisaidpur, Distt. Sitamarhi.
.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Uday Kumar, Adv.
For the State : Mr. C. Sen Pd. Singh, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 31-03-2015

Heard learned counsel for the Petitioners and the State.

The Petitioners seek quashing of the order dated 16.1.2012 by which the Sessions Judge, Sitamarhi, in Criminal Appeal No. 84 of 2011 has dismissed the Appeal and maintain the conviction but release for a Probation of Offenders Act and ordered to pay compensation of Rs.1,000/- each to the Informant.

The submission of the Petitioners is that neither the Investigating Officer nor the Doctor was examined in absence of which the conviction under Section 323 Indian Penal Code was unwarranted.

Having considered the aforesaid, the application is allowed and the entire Proceeding including the order dated 16.1.2012

passed by the Sessions Judge, Sitamarhi, in Criminal Appeal No. 84 of 2011 as also the order dated 30.7.2011 passed by the Sub Divisional Judicial Magistrate, Sitamarhi, in G.R. No. 1879 of 2005, Trial No. 1407 of 2011 are hereby set aside.

(Anjana Prakash, J)

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