

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.44 of 2016

=====

Janak Deo Gope, Son of Late Bhekh Narayan Gope, resident of village -
Chhoti Tengerella, Police Station - Naubatpur, District - Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. Nand Kishore Singh
3. Brind Kishore Singh
4. Kunal Singh All sons of Late Kedar Singh, resident of village -
Chhotaki Tengerella, Police Station - Naubatpur, District - Patna

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Ravi Kant Kumar, Advocate
For the Respondent/s : Mr. Md. Fahimuddin, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 22-11-2016 The petitioner, in the present application, under Sections 397 and 401 of the Code of Criminal Procedure, is aggrieved by order dated 28.11.2015 passed by learned Additional Sessions Judge, III, Danapur in Criminal Appeal No. 112 of 1996 whereby he has recorded acquittal of opposite parties No. 2 to 4 of the offence punishable under Section 326 read with Section 34 of the Indian Penal Code and has thus reversed the finding to the contrary recorded by learned Judicial Magistrate 1st Class, Danapur in Trial No. 0366 of 1996 (G.R. No. 0036/88). He has, however, affirmed conviction of the said opposite parties of the offence punishable under Section 323 read with Section 34 of the Indian Penal Code by learned Judicial Magistrate 1st Class, Danapur, in the aforesaid trial.

The First Information Report was registered on the

basis of *fardebayan* of Sukh Deo Gope in the year 1988, who is said to be no more. There is nothing on record to show as to how the present petitioner is connected with the criminal case, in question, or how is he aggrieved by the said order. The petitioner is said to be brother of the informant. It is not, however, clear as to what interest does he have in pursuing this criminal revision petition against the judgment and order passed by learned court below.

Learned court below, after having found the opposite parties No. 2 to 4 guilty of offence punishable under Section 323 read with Section 34 of the Indian Penal Code has released them by giving them benefit under the Probation of Offenders Act. While doing so, learned court below has taken into account the fact that the First Information Report was registered in the year 1988 and there was no material on record which could suggest that the opposite parties had any criminal antecedent.

I do not find any legal infirmity in the said order. Findings recorded by the appellate court cannot be said to be perverse, requiring this Court's interference in a proceeding under Sections 397/401 of the Code of Criminal Procedure.

This application has no merit and is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

Vats/-

U		T	
---	--	---	--