

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.1029 of 2013

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Saho Devi, Wife of Ram Chandra Yadav, resident of Village-
Mahuli Tola Khiri Bigha, P.S.-Nawada Town, District-
Nawada.

.... Petitioner/s

Versus

1. The State of Bihar.
 2. Baleshwar Yadav @ Balindra Yadav, Son of late Kunjal
Yadav.
 3. Ishwar Yadav, Son of Balindra Yadav.
- Both resident of Village-Mahuli Khiri Bigha, P.S.-Nawada
Town, District-Nawada.

.... Respondent/s

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Appearance :

For the Petitioner/s : None

For the O.P. Nos. 2 and 3 : Krishna Kant Singh, Adv.

For the State : Mr. Ajay Kumar -1 (App)

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH**

ORAL ORDER

5 14-12-2016 There is no representation on behalf of the
petitioner.

Learned counsel for opposite party Nos. 2 and 3
and learned Additional Public Prosecutor for the State are
present.

This application, under Sections 397 and 401 of



the Code of Criminal Procedure (*hereinafter referred to as the Cr.P.C.*), has been filed against the order, dated 23/07/2013, passed in Sessions Trial Nos. 202/2009/02/2009, whereby, the learned Additional Sessions Judge (Adhoc)-IV, Nawada, after convicting opposite party Nos. 2 and 3 of the offence punishable under Section 323 of the Indian Penal Code (*hereinafter referred to as the IPC*), has released them on bond with sureties, giving them the benefit of Section 4 of the Probation of Offenders Act.

The petitioner, who is the informant, has grievance that on the basis of evidence adduced at the trial, learned trial Court ought to have held opposite party Nos. 2 and 3 guilty of the offence punishable under Section 307 read with Section 34 of the IPC and, in any event, benefit of Probation of Offenders Act ought not to have been given to the opposite parties.

I have perused the impugned order. I find that co-convict, namely, Subash Yadav, has been convicted of the offence punishable under Section 307 of the IPC and Section 27 of the Arms Act and he has, accordingly, been sentenced to undergo seven (7) years imprisonment for the offence punishable under Section 307 of the IPC and three (3) years for the offence punishable under Section 27 of the



Arms Act, by the order impugned.

I have noticed that the learned court below arrived at the conclusion that charge of offence punishable under Section 307 of the IPC and Section 27 of the Arms Act, could not be established beyond all reasonable doubt against opposite party Nos. 2 and 3. The finding, in my opinion, does not appear to be perverse, illogical or suffering from such legal infirmity, warranting this Court's interference in exercise of power under Sections 397 and 401 of the Cr.P.C..

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

(Chakradhari Sharan Singh, J.)

Praveen-II/-

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