

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (DB) No.703 of 2016

Arising Out of PS.Case No. -52 Year- 1996 Thana -NAYAGAON District- BEGUSARAI

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Ram Nandan Singh S/o Late Jatadhari Singh R/o vill. - Nayagaown, P.S.
Nayagaown, Distt. - Begusarai

.... Appellant

Versus

1. The State of Bihar
2. Chandradeo Singh S/o Late Jatadhari Singh
3. Madan Singh
4. Manish Singh both 3 to 4 are S/o Chandradeo Singh All 2 to 4 are R/o vill. - Nayagaown, P.S. Nayagaown, Distt. - Begusarai

.... Respondents

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Appearance :

For the Appellant : Mr. Shubhesh Pandey, Advocate.

For the Respondents : Mr. Sri Dilip Kumar Sinha, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

and

HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

3 18-11-2016

Heard learned counsel for the appellant.

The appeal has been filed by the victim who has suffered injury on the scalp. The trial court has found the charge under section 307 of the I.P.C not sustainable merely because there is injury on the head. It does not follow that he would be guilty for the offence under section 307 of the I.P.C.

The trial court has considered the evidence and has come to the clear finding that there can be no intention to kill. That being so, while convicting the private respondent under

section 323 of the I.P.C he has dismissed the charge under section 307 of the I.P.C. It is not a case that the trial court has failed to consider any evidence.

We do not find that his appreciation of evidence or finding is perverse in any manner.

The appeal has no merit. It is accordingly dismissed.

(Navaniti Prasad Singh, J.)

Abhay/-

(Jitendra Mohan Sharma, J.)

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