

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.230 of 2016

Arising Out of PS.Case No. -98 Year- 2010 Thana -UDWANTNAGAR District- BHOJPUR

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1. Madho Singh Son of Late Somaru Singh
 2. Yogendra Singh Son of Kameshwar Singh
 3. Ranjeet Singh, Son of Sudheshwar Singh,
 4. Sanjeet Kumar @ Sanjeet Singh, Son of Sudeshwar Singh
 5. Sikandar Singh, Son of Kameshwar Singh,
 6. Ramjeet Singh @ Ramjeet Kumar, Son of Sudeshwar Singh,
 7. Kameshwar Singh, Son of Late Malechhu Singh,
 8. Sudama Singh, Son of Madho Singh,
 9. Sudeshwar Singh, Son of Madho Singh
 10. Dharmendra Singh, Son of Madho Singh,

All are resident of village - Dihri, P.S. - Udwanatnagar, District - Bhojpur.

.... Appellants

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Appellant/s : Mr. Anant Kumar Pandey, Advocate

For the Respondent/s : Mr. Binod Bihari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 12-05-2016

The instant appeal under Section 374 of the Code of Criminal Procedure has been filed by the appellants against the judgment dated 16.02.2016 passed by the learned 6th Additional Sessions Judge, Bhojpur at Ara in Sessions Trial No. 144 of 2011

whereby the appellants having been convicted under Sections 323, 149 and 147 of the Indian Penal Code and have been extended the benefit of Section 4(1) of the Probation of Offenders Act, 1958 and have been released on their entering into a bond of Rs. 2,000/- and for maintaining peace and good behaviour for a period of one year.

At the very outset, be it noted that an appeal under sub-clause (2) of Section 374 of the Code of Criminal Procedure would not be maintainable by a convict under Section 374 of the Code of Criminal Procedure where a Court of Session passes only a sentence of imprisonment for a term not exceeding three months or of fine not exceeding two hundred rupees, or of both imprisonment and fine in view of the express provision provided under clause (b) of Section 376 of the Code of Criminal Procedure.

In that view of the matter, the appeal is dismissed as not maintainable.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	
CAV DATE	
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