

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.382 of 2015

Arising Out of PS.Case No. -152 Year- 2011 Thana -SHEOHAR District- SHEOHAR

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Bhola Raut Son of Late Somal Raut Resident of village - Harnahi, P.S. Sheohar,
District - Sheohar

.... Appellant

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Appellant/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI

ORAL JUDGMENT

Date: 14-11-2017

Learned counsel for the appellant is not present. However,

Sri Amrendra Kumar, Advocate has come up to pray for an

adjournment.

With the assistance of learned Additional P.P., judgment

impugned as well as L.C. record has minutely been gone through.

From the judgment impugned, it is evident that same has been passed

by the Assistant Sessions Judge, Sheohar relating to Sessions Trial

No.379 of 2012/2 of 2014 whereby and where under appellant Bhola

Raut has been found guilty for an offence punishable under Section

307 I.P.C., 324 I.P.C. and 341 I.P.C. for which, he has been directed

to undergo R.I. for five years as well as to pay fine appertaining to

Rs.5,000/- in default thereof to undergo R.I. for six months,



additionally, R.I. for three years, S.I. for one month respectively. In terms of Section 374(2) of the Cr.P.C., the conviction and sentence having been passed by the Court otherwise the Additional Sessions Judge or Sessions Judge inflicting sentence up to seven years is appealable before the learned Sessions Judge.

That being so, instead of filing this appeal before this Court, the appellant should have filed the appeal before the learned Sessions Judge and this appeal, is disposed of observing like so.

However, it is made clear that in case of filing of appeal before the learned Sessions Judge within four weeks will not be encroached upon by law of limitation otherwise, appellant will have to explain the same.

(Aditya Kumar Trivedi, J)

N.H./-

AFR/NAFR	NAFR
CAV DATE	N/A
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