

IN THE HIGH COURT OF JUDICATURE AT PATNA
SLA No.22 of 2017

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1. Ibrahim Mian Son of Late Hadish Mian Resident of Village-
Makhdumpur Kumari, Police Station Dariyapur, District- Saran at Chapra.

.... Appellant/s

Versus

1. The State of Bihar
2. Md. Vashir Ahmad Son of Abid Mian
3. Kunain Ahmad Son of Late Azahar
4. Samrej Hashmi Son of Dr.Mannaf Bihari All are Resident of Village-
Makhdumpur Kumari Police Station Dariyapur, District Saran at Chapra.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Pramod Ban Bihari Singh

For the Respondent/s : Mr. Sri Binod Bihari Singh

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL JUDGMENT AND ORDER

3 22-06-2017

Heard learned counsel for the parties.

The petitioner is aggrieved by judgment and order, dated 14.02.2017, passed by learned Additional Chief Judicial Magistrate-13, Saran at Chapra in Trial No. 1143 of 2017 arising out of Complaint Case No. 294 of 1992 whereby the Respondent Nos. 2 to 4 have been acquitted of the charge of the offence punishable under Sections 379 and 468 of the Indian Penal Code. By the said judgment and order, the Court below has held the said Respondent Nos. 2 to 4 guilty of the offence punishable under Section 323 of the Indian Penal Code.

The present application has been filed under Section 378(4) of the Code of Criminal Procedure, 1973



seeking leave to prefer appeal against the impugned judgment and order.

On perusal of the materials on record and the grounds taken on behalf of the petitioner, I find that the acquittal of the Respondent Nos. 2 to 4 of the offence punishable under Sections 379 and 468 of the Indian Penal Code cannot be termed as erroneous, requiring this Court's interference in that regard.

I do not find any merit in this application.

This application is, accordingly, dismissed.

It is made clear that I did not have occasion to consider the question of correctness or otherwise of the conviction of the Respondent Nos. 2 to 4 for the offence punishable under Section 323 of the Indian Penal Code.

(Chakradhari Sharan Singh, J)

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