

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (DB) No. 618 of 2017

Arising Out of PS. Case No.-127 Year-2008 Thana- Janki Nagar District- Purnia

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Rama Nand Yadav son of Late Kamleshwari Yadav, resident of village – Navlakhi Purab Tola P.S. Janki Nagar, District – Purnia.

... .. Appellant

Versus

1. The State of Bihar
2. Chandan Yadav son of Hari Prasad Yadav
3. Hari @ Hari Narayan Yadav son of Parmeshwari Yadav.
Both residents of village Navlakhi, P.S. Janki Nagar, District – Purnia.

... .. Respondents

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Appearance :

For the Appellant/s : Mr. Sunil Kumar Pathak
For the Respondent/s : Mr. Bipin Kumar

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
and
HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAKESH KUMAR)

6. 18-09-2017 Heard Sri Sunil Kumar Pathak, learned counsel for the appellant and learned Addl. Public Prosecutor.

The present appeal has been preferred against the judgment dated 18-03-2017 passed in Sessions Trial No. 1504 of 2010 (arising out of Janki Nagar P.S. Case No. 127 of 2008) by the learned 1st Assistant Sessions Judge, Purnia (hereinafter referred to as the ‘Trial Judge’). By the said judgment, the learned Trial Judge, while convicting respondent no. 2 & 3 under Sections 323, 324 and 447 of the Indian Penal Code, has acquitted the respondents mainly from the offence under Sections 307 and 379 of the Indian Penal Code.



Learned counsel for the appellant tried to persuade the Court that though, there was injury on the forehead by sharp cutting weapon, the learned Trial Judge, in erroneous manner, has acquitted the respondents from the offence under Section 307 of the Indian Penal Code.

However, on perusal of the materials on record, particularly the judgment impugned, it is evident that learned Trial Judge has found that injury was not caused with intent to kill and discussing the evidence, he has convicted the respondent no. 2 & 3 for the offence, as indicated above. Since, there was no sufficient material to hold them guilty under Sections 307 and 379 of the Indian Penal Code, the learned Trial Judge has acquitted them from those charges.

The Court also finds that there is no perversity in the impugned judgment, which requires interference.

The appeal stands dismissed.

(Rakesh Kumar, J.)

(Mohit Kumar Shah, J.)

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