

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.881 of 2016

Arising Out of PS.Case No. -7 Year- 2015 Thana -SC/ST P.S. District- MUZAFFARPUR

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1. Rajesh Ram son of Late Laxman Ram Resident of Village- Chapara Megh, P.S.-
Mushari, District- Muzaffarpur.

.... Appellant/s

Versus

1. The State of Bihar.
2. Nand Kishore Sharma @ Nandu Singh son of Late Ram Dayal Singh
3. Braj Kishore Sharma Son of late Ram Dayal Singh.
4. Chandra Bhushan Sharma son of Braj Kishore Singh 2 to 4 are Chapara Megh, P.S.-
Mushari, District- Muzaffarpur.

.... Opposite Parties.

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Appearance :

For the Appellant/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

Date: 14-02-2017

The appellant is informant of Muzaffarpur Harijan
P.S. Case No. 07/15 and is aggrieved by the judgment and order dated
20.09.2016 passed by 3rd Additional Sessions Judge cum Special
Judge S.C./S.T. Muzaffarpur which arose out of the said Harijan
Thana Muzaffarpur P.S. Case No. 7/15 disclosing the offence
punishable under Sections 341, 323, 504, 506 read with Section 34 of
the Indian Penal Code and Section 3(i) (x) of the S.C. & S.T.
(Prevention of Atrocities Act) 1989.

Learned trial court has, by judgment and order under
appeal has recorded acquittal of opposite party nos. 2 to 4 for the



offences punishable under Sections 341 and 323 of the Indian Penal Code and Section 3(i) (x) of the S.C. & S.T. (Prevention of Atrocities Act) 1989. The court below has, however, held the said respondents guilty of the offences punishable under Sections 504 and 506 of the Indian Penal Code and instead of sentencing them for imprisonment for a term, has released them giving them benefit of Section 3 of the Probation of Offenders Act.

This appeal is directed against the acquittal of the said respondents for the offences punishable under Sections 341 and 323 of the Indian Penal Code. He is also aggrieved by the said judgment whereby, after holding the respondents guilty for the offences punishable under Sections 504 and 506 of the Indian Penal Code has allowed them benefit of Section 3 of the Probation of Offenders Act.

I have perused the impugned judgment and order. The said judgment and order recording acquittal of the respondents for the offences punishable under Sections 341 and 323 of the Indian Penal Code is based on appreciation of evidence adduced at the trial. I do not find any perversity in the finding recorded in this regard by the court below. Further, there is nothing on record to show that prior to this case, the respondents were ever convicted for any other offence.

Considering the nature of accusation and the findings arrived at by the court below, the decision to allow the respondent



nos. 2 to 4, benefit of Section 3 of the Probation of Offenders Act cannot be said to be unjustified.

There is no merit in this appeal which is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

Ranjan/-

AFR/NAFR	NAFR
CAV DATE	N.A.
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