

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.1003 of 2014

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1. Malhu Rai Son of Arjun Rai Resident of village- Laduari, P.S.- Parihar,
District- Sitamarhi

.... Petitioner/s

Versus

1. The State of Bihar
2. Shivji Rai Son of Late Pavittar Rai
3. Rakesh Rai Son of Late Shivajee Rai
4. Shiv Shuren Rai Son of Late Pavittar Rai
5. Shiv Shankar Rai Son of Late Pavittar Rai All resident of village-
Laduari, P.S.- Parihar, District- Sitamarhi

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Raja Ram Rai

For the Respondent/s : Mr. Uday Pratap Singh (App)

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER**

5 13-02-2017 Heard learned Counsel for the petitioner and

learned Additional Public prosecutor representing the

State.

The petitioner is the informant of Parihar Police
Station Case No. 72 of 2004. He is aggrieved by the
judgment and order, dated 15.05.2014, passed, by learned
Additional Sessions Judge I, Sitamarhi, in Sessions Trial
No. 404 of 2005/20 of 2007, whereby he has recorded
conviction of Opposite Party No. 4 only of offences
punishable under Sections 323 and 307 read with Section
34 of the Indian Penal Code. So far as rest of the private



opposite parties is concerned, they have been convicted of the offence punishable under Section 323 read with Section 34 of the Indian Penal Code. The opposite parties were charged of the offence punishable under Sections 325 and 326 read with Section 34 of the Indian Penal Code as well as Section 307 of the Indian Penal Code. However, the learned Trial court acquitted them of the charge under Sections 325 and 326 read with Section 34 of the Indian Penal Code and Section 307 of the Indian Penal Code, except Opposite Party No. 4, who, as has been noted above, has been convicted of the offence punishable under Section 307 of the Indian Penal Code.

After having recorded conviction, the learned Trial Court sentenced Opposite Party Nos. 2, 3 and 5, to pay a fine of Rs. 1,000/- and in case of default, to undergo simple imprisonment for a period of fifteen days.

The Opposite Party No. 4, upon his conviction, under Section 307 of the Indian Penal Code, by the impugned judgment and order, has been sentenced to undergo imprisonment for a period of five years.

The petitioner is aggrieved by the sentence awarded to Opposite Party Nos. 2, 3 and 5.

I have perused the impugned judgment and order.



Considering the materials on record, I do not find that there has been any wrong exercise of discretion in award of sentence, requiring interference by this Court in criminal revisional jurisdiction.

This application has no merit and is accordingly dismissed.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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