

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (DB) No.899 of 2017

Arising Out of PS. Case No.-78 Year-1998 Thana- Amnaur District- Saran

Smt. Uma Devi, wife of Sri Yugal Kishore Mishra, resident of village-
Koreyan, Police Station-Bheldi, District-Saran

... .. Appellant

Versus

1. The State of Bihar
2. Parshu Ram Prasad Rai, son of Nagina Rai
3. Dhananjay Mishra, son of Birendra Mishra,
4. Daya Shankar Mishra, son of Upendra Mishra
5. Vinod Mishra son of Upendra Mishra
6. Ashok Kumar Mishra, son of Upendra Mishra
7. Bigu Mishra, son of Bhauli Mishra

All residents of village- Koreya Mishir Tola, P.S. Bheldi, District-Saran
8.Sudama Rai, son of Jasi Ram, resident of vill.-Hakma, P.S. Bheldi,Dist.
Patna

... .. Respondents

Appearance :

For the Appellant/s : Mr. Ravindra Kr Sinha No.2

For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

and

HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAKESH KUMAR)

3 13-09-2017 The present appeal has been preferred by the informant/appellant for enhancing sentence to respondent no.2 to 8, that too without any application for grant of leave under Section 378(3) of the Code of Criminal Procedure. Moreover, under Section 372 of the Code of Criminal Procedure, there is no provision for filing an appeal for enhancement of sentence. There is only provision to prefer an appeal against any order passed by court acquitting the accused or convicting for a lesser offence, that too by the victim.

Since the present appeal has been filed by the informant/appellant for enhancement of sentence, it is beyond



the purview of Section 372 of the Code of Criminal Procedure.

It would be appropriate to quote the prayer portion of the said appeal, which is as follows:

“ It is, therefore, prayed that your Lordships may graciously be pleased to admit this appeal, issue notice, call for the records of the case and after hearing the parties modify the Judgment dated 27.04.2011 and enhance the order of conviction and sentence dated 02.05.2017 respectively passed by Sri Shyam Kishore Sah, learned Fast Track Court 1st Saran at Chapra in Sessions Trial no.233/99 (arising out of Amnour (Bheldi) P.S. Case No.78/1998) wherein respondent no.2 to 8 have been awarded lesser punishment under Section 307/149 of the Indian Penal Code with and inadequate compensation and allow this appeal”

In view of facts and circumstances, the Court is of the opinion that the present appeal is not maintainable and same stands dismissed.

(Rakesh Kumar, J)

(Mohit Kumar Shah, J)

nawalkrs/-

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