

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (DB) No.706 of 2017

Arising Out of PS. Case No.-232 Year-2009 Thana- SHIKARPUR District- West Champaran

Satya Narayan Sahni @ Satya Narayan Chaudhary, S/o Late Jai Sahni,
resident of Village- Katgharawa, P.S.- Shikarpur, District- West Champaran.

... .. Appellant/s

Versus

1. The State of Bihar.
 2. Santosh Bhagat, S/o Suresh Bhagat,
 3. Akhilesh Bhagat, S/o Suresh Bhagat,
 4. Birbal Bhagat, S/o Mankeshwar Bhagat,
 5. Lallan Bhagat, S/o Mankeshwar Bhagat,
- All resident of Village- Kathgharwa, Vriti Tola, P.S.- Shikarpur, District- West Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s : Sri Sanjeev Kumar

For the Respondent/s : A.P.P.

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

(Per: HONOURABLE MR. JUSTICE RAKESH KUMAR)

4 01-11-2017 Heard Sri Sanjeev Kumar, learned counsel for the
appellant and learned Additional Public Prosecutor.

The present Appeal has been preferred against the judgment of conviction and order of sentence dated 12.4.2017 passed by learned Vth Addl. Sessions Judge, Bettiah, West Champaran, whereby respondent no. 2 to 5 were convicted and sentenced for lesser offences, though the private respondents were charged for offence under Section 341, 323, 307, 354,



504, 34 of the Indian Penal Code, 1860 (hereinafter referred to as the "I.P.C."). The learned trial judge has held them guilty for offence under Section 323 & 504 of the I.P.C. and convicted them, however, in view of provision under Section 3 of the Probation of Offenders Act, 1958 they have been released after admonition.

Sri Sanjeev Kumar, learned counsel for the appellant tried to persuade the Court that there were number of injuries found on the head of the informant. The learned trial judge erroneously acquitted them from the charge under Section 307 of the I.P.C. and as such, he prayed for altering the conviction from Section 323 to 307 of the I.P.C. and impose appropriate sentence in accordance with law. However, on perusal of the impugned judgment it is evident that during medical examination the doctor, who examined the injuries had found that all the injuries were simple in nature. Of-course, there was an allegation that assault was made by 'lathi', but except 'lathi' there is no allegation of use of any lethal weapon. One more important thing has been noticed that during trial the case was compromised. However, subsequently the informant resiled from the compromise and it appears that this was also one of the reasons for passing the impugned judgment. We have



examined the materials available on record and we do not find any perversity in the judgment warranting interference. Accordingly, there is no need to grant leave to appeal and as such, the interlocutory application i.e. I.A. (Cri.) No. 2039 of 2017 filed under Section 378 (3) of the Code of Criminal Procedure, 1973 for grant of leave stands rejected. Consequently, the Appeal too is dismissed.

(Rakesh Kumar, J)

(Mohit Kumar Shah, J)

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