

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (DB) No.155 of 2018

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Umesh Prasad Sharma Son of Late Ram Dutta Sharma resident of Village
Barah P.S. Rani Talab (Bikram) Dist. Patna

.... Appellant/s

Versus

The State of Bihar & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : None

For the Respondent/s : Mr. Shyed Ashfaque Ahmad

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**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

and

**HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

**(Per: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA)**

5 22-03-2018

1. No one appears on behalf of the appellant on repeated call. Learned Addl. Public Prosecutor is present.

2. This criminal appeal has been preferred against the judgment and sentence order dated 17.8.2017 passed by the learned Addl. Sessions Judge I, Danapur (Patna) in Sessions trial no. 928/1998 by which and whereunder he convicted respondent nos.2 to 5 for the offences punishable under sections 147, 341 and 323 of the Indian Penal Code and released them after due admonition under section 3 of the Probation of Offenders Act and respondent nos.2 to 5 were acquitted of the charges framed against them for the offences punishable under sections 148 and 307 of the Indian Penal Code.



3. The grievance of appellant is that respondent nos.2 to 5 have been convicted for lesser offences, though the prosecution succeeded to prove the charges framed under sections 148 and 307 IPC.

4. However, in course of hearing, learned Public Prosecutor took us through the impugned judgment and from perusal of para 17 of the impugned judgment, we find that the prosecution failed to examine doctor who had examined injured persons and also failed to bring injury report on record in accordance with law and in the aforesaid circumstances, learned court below passed the impugned judgment.

5. We do not find any illegality, irregularity or perversity in the impugned judgment and we are of the view that this appeal does not have any merit. Accordingly, this appeal as well as I.A. no. 450/2018 which has been filed for grant of leave to file this appeal stand dismissed on admission stage itself.

(Hemant Kumar Srivastava, J)

(Rajendra Kumar Mishra, J)

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