

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (DB) No.1474 of 2017

Arising Out of PS.Case No. -27 Year- 2010 Thana -AMARPUR District- BANKA

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Amarendra Kumar son of Sri Naresh Prasad Yadav resident of village
 Nayachak Gorgama P.S. Amarpur Dist. Banka

.... Appellant/s

Versus

The State of Bihar & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ajay Mukherjee

For respondent nos. 2 to 5 Mr. Ranjan Kumar Jha

For the State Mr. S.C. Mishra, APP

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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)

- 4 28-02-2018 1. Heard learned counsel appearing for appellant as well as learned counsel for respondent nos.2 to 5 and also heard learned Addl. Public Prosecutor for the State on the point of admission as well as on I.A. no. 2641/2017.
2. Appellant being informant of Amarpur P.S. Case no. 27/2010 filed this criminal appeal against the judgment of acquittal dated 13.07.2017 passed by the Presiding officer, FTC I, Banka in Sessions trial no. 326/2011.
3. Respondent nos.2 to 5 were charged for the offences punishable under sections 307/34, 341/34, 447/34, 323/34 and 504/34 of the Indian Penal Code but after trial, learned court below acquitted respondent nos.2 to 5 of the charges framed



under sections 307/34, 447/34 and 504/34 of the Indian Penal Code and convicted them for the offences punishable under sections 323/34 and 341/34 of the Indian Penal Code and accordingly, granted them benefit of section 360 of the Cr.P.C.

4. The grievance of the appellant is that three persons sustained injuries and out of them one person sustained grievous injury but even then learned court below convicted respondent nos.2 to 5 only for the offence punishable under section 323/34 of the Indian Penal Code. However, from perusal of the impugned judgment, we find that doctor found grievous injury on the person of one injured and gave his finding regarding injury on the basis of x-ray report as well as x-ray plate but admittedly, x-ray report as well as x-ray plate have not been brought on record nor any technician was examined. Therefore, we are of the view that learned trial court rightly convicted respondent nos.2 to 5 for the offence punishable under section 323/34 of the Indian Penal Code and there is no need to interfere into the impugned judgment. Accordingly, this appeal along with I.A. no. 2641/2017 stand dismissed on admission stage itself.

(Hemant Kumar Srivastava, J)

(Rajendra Kumar Mishra, J)

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