

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.786 of 2015

Arising Out of PS. Case No.-20 Year-2000 Thana- SIKARPUR District- West Champaran

Ravikant Dubey son of Late Rajeshwari Dubey resident of village- Ramoli,
P.S.- Shikarpur, District- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mangal Raut
3. Heera Raut both sons of Thakuri Raut, resident of village- Ramoli, P.S.-
Shikarpur, District- West Champaran

... .. Respondent/s

Appearance :

For the Petitioner : Mr. Sanjeev Kumar Mishra, Advocate.
Ms. Priya, Advocate.
For the Respondents : Mr. Aditya Narayan Singh 1(APP)

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 05-03-2018 The petitioner/informant is aggrieved by the judgment dated 06.08.2015 passed in Criminal Appeal No. 31 of 2013 by the learned Additional District and Sessions Judge, IV, Bettiah, West Chamaparn whereby the conviction of the opposite parties no. 2 and 3 with respect to offence under Section 325 of the Indian Penal Code has been set aside and all other accused persons including the opposite parties no. 2 and 3, for their conviction under Section 325 of the IPC, have been admonished and have been released on probation of good conduct.

From the records, it appears that the accused persons including the opposite parties no. 2 and 3 were put on trial for various offences viz. Sections 341, 323, 504/34 and 325 of the



IPC. The trial court viz. the Judicial Magistrate, Ist Class, West Champaran vide his judgment dated 07.03.2013 convicted the other accused persons under Section 323 of the IPC whereas the opposite parties no. 2 and 3 were convicted under Sections 323 and 325 of the IPC and were sentenced to undergo R.I. for three years, to pay a fine of Rs. 1000/- and in default of payment of fine, to further suffer S.I. for one month.

The aforesaid judgment and order of conviction was, though, affirmed with respect to the conviction under Section 323 of the IPC but the conviction of opposite parties no. 2 and 3 with respect to Section 325 of the IPC was set aside by the appellate court on the ground that without perusing the X-ray report and without ascertaining whether there was any fracture, the opposite parties had been convicted under Section 325 of the IPC.

However while upholding the conviction under Section 323 of the IPC with respect to all the accused persons including the opposite parties no. 2 and 3, the sentences imposed upon them were modified and the accused persons and opposite parties no. 2 and 3 were released after admonition.

This judgment was passed, taking into account that the occurrence was of the year 2000 and for the last 13 years before



the final judgment in appeal was pronounced, the opposite parties no. 2 and 3 and the other accused persons had participated in the trial diligently.

This Court, taking into account the nature of accusation levelled against the opposite parties and the reasoning given by the learned appellate court, does not wish to interfere with the same.

The petition is dismissed.

(Ashutosh Kumar, J)

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