

IN THE HIGH COURT OF JUDICATURE AT PATNA
SLA No.34 of 2018

Arising Out of PS. Case No.-2203 Year-2007 Thana- PATNA
COMPLAINT CASE District- Patna

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Nagendra Jha S/o Late Raghubeer Jha, Resident of Mohalla-
Mithapur B. Area, P.S.- Jakkanpur, District- Patna.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Shahid Karim, S/o Name not known, Assistant Manager, catering, Indian Railway Catering and Tourism Corporation Ltd. Biscomaun Bhawan, 4th Floor, P.S. Gandhi Maidan, Town and District- Patna.
3. Shailendra Kumar Ojha, S/o name not known, Commercial Inspector (General), E.C. Railway, Patna Junction, P.S. G.R.P. Town, and District- Patna.
4. Binod Kumar Chaudhary, S/o name not known, Station Manager, Patna Junction, P.S. G.R.P. Town and District- Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Dineshwar Prasad Singh, Adv
For the Respondent/s : Mr. Sri Zeyaul Hoda, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

3 20-11-2018 The petitioner has filed the present application on

some misconception that the respondents have been

acquitted.

The aforesaid misconception has arisen because of

the wrong usage of the word "acquitted" by the learned Trial

Court while giving the benefits of the provisions of Section 3

of the Probation of Offenders Act, 1958 to the respondents



who have been convicted under Sections 323, 504 and 34 of the Indian Penal Code.

Merely because while passing the sentence the Trial Court has wrongly used the word "acquitted", the present leave petition would not be maintainable.

When this fact was explained to the learned counsel for the petitioner, he has chosen to withdraw the present petition.

The petition is therefore dismissed as withdrawn.

In case the petitioner intends to challenge the aforesaid sentence, he may do so in accordance with law.

Shageer/-

(Ashutosh Kumar, J)

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