

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (DB) No.770 of 2018

Arising Out of PS.Case No. -51 Year- 2014 Thana -WARSALIGANJ District- NAWADA

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Pramod Sao

.... Appellant/s

Versus

The State of Bihar & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Devendra Prasad Singh

For the Respondent/s : Mr. Sri 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)

4 03-08-2018

Heard learned counsel for appellant as well as

Additional Public Prosecutor for state on the point of admission as well as on I.A. No. 1866 of 2018 which has been filed under Section 378(3) of Criminal Procedure Code.

The grievance of the appellant is that the respondent nos. 2 and 3 have not been convicted for the offence punishable under Section 307 of the Indian Penal Code. though there was sufficient material before the trial court to convict him for the offences punishable under Section 307 of the Indian Penal Code and further grievance of the appellant is that the respondent nos. 2 and 3 were granted benefit of Probation of Offenders Act.

The perusal of the impugned judgment goes to show



that the learned trial court having noticed the injury found on the person of injured came to conclusion that charge under section 307 of the Indian Penal Code could not be proved and convicted the respondent nos. 2 and 3 for the offences punishable under Sections 323 and 324 of the Indian Penal Code and also gave benefit of Probation of Offenders Act to them. We do not find any ground to interfere into the findings of the learned trial court, and accordingly, this Cr. Appeal (DB) No. 770 of 2018 as well as I.A. No. 1866 of 2018 stand dismissed on admission stage itself.

(Hemant Kumar Srivastava, J)

N.K/-

(Rajendra Kumar Mishra, J)

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