

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3053 of 2018

Arising Out of PS.Case No. -270 Year- 2008 Thana -Noorsarai District- Nalanda (Biharshariff)

- =====
1. Ram Mani Yadav @ Mani Yadav, son of Ram Chandra Yadav @ Ramchandra Prasad.
 2. Kaushal Yadav, son of Ram Chandra Yadav @ Ramchandra Prasad.
 3. Mukesh Yadav, son of Ram Chandra Yadav @ Ramchandra Prasad.
- All resident of village.- Chhatarpur, P.S.- Noorsarai, Dist.- Nalanda.

.... Appellant/s

Versus

The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Premchandra Yadav, Advocate
For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 05-10-2018 The appellants have convicted under Section 323 of the Indian Penal Code by judgment dated 17.06.2018 passed by Presiding Officer, Fast Track Court-I, Nalanda at Biharsharif in Session Trial No. 608 of 2009 arising out of Noorsarai P.S. Case No. 270 of 2008, after holding them guilty under Section 323 of the Indian Penal Code.

Having regard to the circumstances of the case including the nature of the offence, the court thought it expedient instead of sentencing them to any punishment to release them on Probation of good conduct for a period of one year.

Being aggrieved by the order whereby the appellants



have been extended the benefits of Section 4 of the Probation of Offenders Act, they preferred the present appeal under Section 374(2) of the Code of Criminal Procedure. Since the registry has pointed out several defects in the memo of appeal, it has placed the appeal under heading 'For Orders (On Office Notes)'.

Mr. Premchandra Yadav, learned Advocate for the appellants submitted that since the appellants have been extended the benefits of Probation of Offenders Act, he has been advised not to press the present appeal.

In view of the submission made above, the appeal is dismissed as infructuous.

(Ashwani Kumar Singh, J)

Md.S./-Sanjeev

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