

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (DB) No.185 of 2019

Arising Out of PS. Case No.-455 Year-2012 Thana- KRITYANAND NAGAR District-
Purnia

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Sawan Kumar Chowdhary Son of Arun Chowdhary Resident of Village - 329,
Parora, PS- Parora, K. Hat, District- Purnea

... .. Appellant/s

Versus

1. The State of Bihar.
2. Navin Chaudhary Son of Late Rama Chaudhary Resident of Village -
Parora, P.S- K. Nagar, District- Purnea
3. Amit Chaudhary Son of Vijay Chaudhary Resident of Village - Parora, P.S-
K. Nagar, District- Purnea
4. Biswajeet Chaudhary Son of Navin Chaudhary Resident of Village - Parora,
P.S- K. Nagar, District- Purnea
5. Vijay Chaudhary Son of Late Rajo Chaudhary Resident of Village - Parora,
P.S- K. Nagar, District- Purnea

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Vikram Singh
For the Respondent/s : Mr.Ashwani Kumar Sinha

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**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

**(Per: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA)**

Date : 23-04-2019

Heard learned counsel appearing for the appellant as well
as learned Additional Public Prosecutor for the State on the
point of admission and in our view, this criminal appeal can be
disposed of on admission stage itself.

The appellant challenged the impugned judgment dated
27.11.2018 passed in Sessions Trial No. 549 of 2014 by which



and whereunder the learned Trial Court acquitted the respondent nos. 2,3,4 and 5 from the charges framed against them for the offences punishable under Sections 341,447,324 and 307 of the I.P.C., but convicted them for the offences punishable under Section 323 of the I.P.C., and released them giving benefit of Section 3 of the Probation of Offender's Act.

The grievance of the appellant is that there was sufficient material to prove charge under Section 307 of the I.P.C., but in spite of that the learned Trial Court acquitted the respondent nos. 2,3,4 and 5 from the above stated charge.

We perused the impugned judgment and we find no illegality, irregularity or impropriety in the impugned judgment. Furthermore, we find that the prosecution claimed that 'Dabia' and 'dagger' were used in committing the alleged crime but the doctor did not find any sharp cut injury on the person of the injured. Moreover, the doctor found the injuries simple in nature caused by hard and blunt substance and taking note of the aforesaid fact the learned Trial Court refused to convict the respondent nos. 2,3,4 and 5 for the offence punishable under Section 307 of the IPC. We are of the considered view that there is no ground to interfere into the findings recorded by the learned Trial Court in the impugned judgment.



In view of the aforesaid discussions, this Criminal Appeal
stands dismissed on admission stage itself.

(Hemant Kumar Srivastava, J)

(Partha Sarthy, J)

Prakash/-

AFR/NAFR	AFR
CAV DATE	
Uploading Date	
Transmission Date	

