

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (DB) No.413 of 2019

Arising Out of PS. Case No.-77 Year-2013 Thana- RISIYAP District- Aurangabad

Suresh Mahto @ Suresh Mehta Son of Sita Ram Mehta, Resident of Village-Sunderganj,P.S-Risiup, District-Aurangabad.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Shankar Sao aged about 64 years, Male Son of Late Ram Rekha Sao Resident of Village-Sunderganj,P.S-Risiup, District-Aurangabad.
3. Mohan Sao aged about 50 years, Male Son of Late Ram Rekha Sao Resident of Village-Sunderganj,P.S-Risiup, District-Aurangabad.
4. Ayodhya Sao aged about 43 years, Male Son of Shankar Sao Resident of Village-Sunderganj,P.S-Risiup, District-Aurangabad.
5. Suddu Sao aged about 28 years, Male, Son of Shankar Sao, Resident of Village-Sunderganj,P.S-Risiup, District-Aurangabad.
6. Guddu Sao aged about 30 years, Male, Son of Shankar Sao Resident of Village-Sunderganj,P.S-Risiup, District-Aurangabad.
7. Ranjan Sao aged about 27 years, Male, Son of Shankar Sao Resident of Village-Sunderganj,P.S-Risiup, District-Aurangabad.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Krishna Prasad Singh, Sr. Advocate Mr. Saket Kumar Singh, Advocate
For the Respondent/s	:	Mr.Abhimanyu Sharma, APP

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA)

Date : 22-04-2019

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 has preferred this criminal appeal against the judgment dated 26.02.2019 passed by the learned Adhoc Additional Sessions Judge, F.T.C.-VI, Aurangabad in Sessions Trial No. 277 of 2014/306 of 2017 by which and whereunder he convicted the respondent Nos. 2 to 7 for the offences punishable under Sections 341 and 323 of the IPC except respondent Nos. 5 and 7 and further convicted all the above stated respondent Nos. 2 to 7 for the offence punishable under Section 427 of the Indian Penal Code and released them under the provisions of Probation of Offender's Act. However, the respondent Nos. 2 to 7 were acquitted of the charge framed under Section 307 of the Indian Penal Code.

The grievance of the appellant is that there was sufficient material to convict the respondent Nos. 2 to 7 for the offence punishable under Section 307 of the Indian Penal Code but the learned trial court failed to take note of the aforesaid material. Further grievance of the appellant is that the learned trial court took lenient approach while sentencing the respondent Nos. 2 to 7.

On the other hand, learned Additional Public Prosecutor supports the impugned judgment arguing that there is no illegality, irregularity or impropriety in the impugned judgment



on the ground of which this court could interfere into the impugned judgment.

Having heard the contentions of both the parties, we went through the impugned judgment. We find that the learned trial court has passed a well discussed and well thought judgment and there is no scope to interfere into the impugned judgment. Hence, on the basis of the aforesaid discussions, this criminal appeal stands dismissed on admission stage itself.

(Hemant Kumar Srivastava, J)

(Partha Sarthy, J)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

