

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.384 of 2023

Arising Out of PS. Case No.-329 Year-2000 Thana- COMPLAINT CASE District- Banka

Devendra Modi @ Dewendra Modi @ Devendra Prasad Barnwal S/O Late
Ayodhya Modi Resident Of Village- Barferia, P.S.- Katoria, District- Banka.

... .. Appellant/s

Versus

1. The State of Bihar
2. Jasir Miyan S/O Late Maharjan Miyan Resident Of Village- Barfera, P.S.-
Katoria, District- Banka.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Prem Kumar Jha, Advocate
	:	Mr. Rajesh Kumar Jha, Advocate
For the Respondent/s	:	Mr. Abhay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 29-01-2025 Heard Mr. Prem Kumar Jha, learned counsel for the
petitioner and Mr. Abhay Kumar representing the State.

2. The present appeal has been preferred against the
impugned judgment of conviction and order of sentence dated
15.09.2022 passed by learned Sub-Divisional Judicial
Magistrate, Banka in connection with Complaint Case No.- C-
329/2000 convicting two accused persons including the
appellant namely Devendra Modi for the offence under section
468 of the Indian Penal Code and ultimately, the accused
persons including the appellant were let off on reprimand after
giving them benefit of Section 4 of the Probation of Offenders
Act, 1958. However, the accused persons including the



appellant have been acquitted for the offence under section 467 of the I.P.C.

3. Learned counsel for the appellant submits that though the Court erred in passing the order while convicting and giving benefit of section 4 of the Probation of Offenders Act, 1958, the issue is that it may not affect his rights and title as also the possession over the land since number of litigation between the parties is/are pending before the appropriate court on civil/criminal side.

4. Learned APP submits that a civil dispute is entirely different from the criminal case in which the learned court has come to a conclusion and in any case, the same has no bearing in a civil dispute which has to be decided on the basis of the documents/deposition/possession before a competent court.

5. In that background, learned counsel for the appellant prays for withdrawl of the present appeal.

6. Granting said liberty and approving the points put forward by both the parties, the appeal stands disposed of.

(Rajiv Roy, J)

vinayak/-

U		T	
---	--	---	--

