

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (DB) No.49 of 2023**

Arising Out of PS. Case No.-9 Year-2020 Thana- MAHILA P.S. District- Sheikhpura

Mahanthu Chaudhary @ Mahanthu, S/o- Else Sadhavi, Resident of Village-
Adwait Swarup Mahila Sant Bhawan Ashram, Bahiyara More, Sughri, P.S.-
Govindpur, District- Nawadah.

... .. Appellant

Versus

1. The State of Bihar
2. Tapasyanand @ Shyam Chandra Chaudhary, S/O Ram Narayan Chaudhary,
Resident of Village- Senhara, P.S.- Lalganj, District- Basti, U.P.

... .. Respondents

Appearance :

For the Appellant/s	:	Mr. Rakesh Kumar Shrivastava, Advocate
For the Respondent/s	:	Mr. Parmeshwar Mehta, Addl PP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
and
HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER**

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

6 07-08-2025 This is an appeal preferred under Section 372 of the
Code of Criminal Procedure, 1973 (in short 'Cr.PC').

2. On going through the impugned judgment, this
Court finds that the sole accused was charged for the offences
punishable under Section 354(B) and Section 364/511 of the
Indian Penal Code (in short 'IPC'). He has been convicted by
learned District and Sessions Judge, Sheikhpura vide judgment
dated 21.11.2022 for both the offences and has been ordered to
undergo three years simple imprisonment for the offence under
Section 354(B) IPC and to pay a fine of Rs.5,000/- and three
years rigorous imprisonment and fine of Rs.5,000/- for the



offence under Section 364/511 IPC vide order dated 25.11.2022.

3. On a bare reading of the proviso to Section 372 Cr.PC, it is evident that the victim has a right to prefer an appeal against any order passed by the court acquitting the accused or convicting for a lesser offence or imposing inadequate compensation.

4. In the present case, the accused has been convicted under both the charged sections.

5. This appeal cannot be maintained. It is dismissed.

6. On finding that the appeal has been filed on legal advice which is not correct, we refrain from imposing cost upon the appellant.

(Rajeev Ranjan Prasad, J)

(Ajit Kumar, J)

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