

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.110 of 2003

Arising Out of PS.Case No. -null Year- null Thana -null District- MADHEPURA

- =====
1. Binay Kumar Chaubey son of late Baleshwar Chaubey.
 2. Dilip Kumar Chaubey son of shri Bilakishan Chaubey
- Both residents of village Dip P.S. Lakhnaur (Madhepura) District Madhubani.

.... Petitioner/s

Versus

The State of Bihar

.... Opp. Party.

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Appearance :

For the Petitioner/s : Mr.

For the State : Dr. Indihar Kumari, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 28-01-2015

The revisionists are aggrieved by the order dated 15.07.1997 passed by the Judicial Magistrate, 1st Class, Madhubani in Trial No. 367 of 1997 under Section 448 of the Indian Penal Code and sentenced to undergo simple imprisonment for four months which was affirmed by the 2nd Additional Sessions Judge, Madhubani in Cr. Appeal No. 26 of 1997 dated 01.10.2002.

The case of the prosecution is that on 31.05.1986 while she was putting peg (kil) for tying goat on the land of her brother the accused persons came her behind and started altercation with her and assaulted her. During trial, the prosecution examined three witnesses. P.W. 1 is the formal in nature whereas P.W. 2 is nephew of the informant and P.W. 3 is the informant.

The defence of the petitioners is that they had been implicated on account of series of litigations pending between the two parties. The further defence was that not a single independent witness in this background was examined and hence the prosecution is not fit to be relied upon.

Having gone through the documents concerned, I would be

inclined to accept the submissions raised. Hence the revision application is allowed. The order dated 15.07.1997 passed by the Judicial Magistrate, 1st Class, Madhubani in Trial No. 367 of 1997 and the order passed by the 2nd Additional Sessions Judge, Madhubani in Cr. Appeal No. 26 of 1997 dated 01.10.2002 are set aside.

(Anjana Prakash, J)

Patna High Court Patna/
Dated, 28th Jan 2015
NAFR/Prakash/-

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