

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.213 of 2003

Arising Out of PS.Case No. -null Year- null Thana -null District- SASARAM (ROHTAS)

1. Ramji Sah
2. Lakshuman Sah @Lakshaman Sah both sons of late Ram Bachan Sah residents
of village Dhangain P.S. Bikramganj District Rohtas

.... Petitioner/s

Versus

State of Bihar

.... Opp. Parties.

Appearance :

For the Petitioner/s : Mr. K.N. Choubey, Sr. Adv.
Mr. Ashok Kumar Garg, Adv.

For the Respondent/s : Mr. C Jawahar, APP

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 28-01-2015

The petitioners are aggrieved by the order of conviction and sentence to undergo simple imprisonment for one year with a fine of Rs. 500/- and two years rigorous imprisonment with a fine of Rs. 1000/- and in default of payment one month rigorous imprisonment passed by the Judicial Magistrate, 1st Class, Bikramganj at Sasaram in Complaint Case No. 202 of 1991 dated 18.05.1994 which was affirmed by the 7th Additional Sessions Judge, Rohtas in Cr. Appeal No. 96/20 of 1994/94 by judgment dated 16.01.2003.

The case of the complainant is that on the date of occurrence the complainant and his wife were taken to a certain place on a gun point and kept whole night. The accused also took their signatures on blank paper and thereafter released them from the office of the Registrar, Bikramganj where they were taken for execution of some documents. During trial three witnesses were examined out of which P.W. 3 was formal in nature, P.W. 1 was complainant whereas P.W. 2 was his wife.

It has been submitted on behalf of the petitioners that on the facts, the allegation appears not only untrustworthy but also improbable and does not stand by any reason as to why the accused took signatures of two persons which were not used by them in the Court.

Considering the facts, I would inclined to agree with the submissions raised. Hence, the revision application is allowed. The order passed by the Judicial Magistrate, 1st Class, Bikramganj at Sasaram in Complaint Case No. 202 of 1991 dated 18.05.1994 and the order passed by the 7th Additional Sessions Judge, Rohtas in Cr. Appeal No. 96/20 of 1994/94 dated 16.01.2003 are set aside.

(Anjana Prakash, J)

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

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