

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No. 473 of 2003

Arising out of P.S. Case No. -null Year- null Thana -null District-
BUXAR

=====

Mina Devi, Wife of Late Satyendra Narayan Singh, Resident of Village-
Pakari, Police Station-Bihia, District-Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Maluk Singh, Son of Amrik Singh, Resident of Village-Alimajra, Police
Station-Rampura, District-Patiyala (Punjab).

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Manindra Kishore Singh, Adv.
Mr. Arun Kumar Pandey 1, Adv.

For the Opposite Party No. 2 : None.

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 29-06-2015

No one appears on behalf of the Opposite Party No.

2.

The Petitioner who is the Informant seeks revision of
the judgment of acquittal dated 25.08.1999 passed by the 2nd
Additional Sessions Judge, Buxar in S.Tr. No. 246 of 1998 (Tr.
No. 193 of 1998).

The background fact is that a case under Section
302/34 IPC was instituted by S.I. Manoj Kumar Gupta upon
which Brahampur P.S. Case No. 19 of 1998 was instituted for
the murder of the husband of the Petitioner.

When the trial proceeded fifteen witnesses were
allegedly examined but none of them supported the
prosecution case. It is then that the Opposite Party No. 2 was
acquitted by judgment dated 25.08.1999.

It has been submitted on behalf of the Petitioners

that even though the Trial Court had noted that Manoj Kumar Gupta was examined as P.W. 7 but fact of the matter is that he had never appeared before the Trial Court. Further, Chowkidar Shiv Sagar Yadav who was allegedly examined as P.W. 10 was already dead on the date the alleged examination. When such application referring the aforesaid facts was placed before the S.P. Buxar he enquired into the matter and finding it true recommended serious action by order dated 14.02.2002.

Having considered the aforesaid facts as also after having given liberty to the Opposite Party No. 2 to defend himself this Court would think it would be in the interest of justice that the matter be taken up by the Trial Court once again.

Hence, the matter is remanded to the Court below and the District & Sessions Judge, Buxar is directed to place the records before a responsible Judicial Officer who shall examine it within a period of three weeks from the date of receipt of this order and, thereafter, notice the Opposite Party No. 2 and proceed in accordance with law.

With the aforesaid observations, the Revision Application stands disposed off.

Vikash/-

(Anjana Prakash, J.)

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