

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.320 of 2006

Arising Out of PS.Case No. 168 Year- 1995 Thana -null District- KATIHAR

=====

Sk.Habib sonof Mir Moity, resident of village Amdabad, P.S. Amdabad, Dist.
Katihar (Bihar)

.... Petitioner/s

Versus

State of Bihar

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Ataur Rahman, Advocate

For the Respondent/s : Mr. R.B. Roy Raman, APP

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 28-09-2015

The Petitioner seeks revision of the judgment of conviction in appeal dated 9.1.2006 passed by the Additional District & Sessions Judge, Fast Track Court III, Katihar in Criminal Appeal No.24 of 1998, by which he has upheld the conviction of the Petitioner and maintained the sentence of 5 years R.I. under Section 376 I.P.C. and 3 years R.I. under Section 456 I.P.C. passed on 28.2.1998 by the 1st Assistant Sessions Judge, Katihar in Sessions Trial No.168 of 1995.

On going through the impugned judgment, I find that the victim herself was not examined to support the factum of rape. The rest of the witnesses are either hearsay on the point or alleged eye witnesses but they do not seem believable.

Hence, the revision is allowed and the judgment of

conviction in appeal dated 9.1.2006 passed by the Additional District & Sessions Judge, Fast Track Court III, Katihar in Criminal Appeal No.24 of 1998 as well as judgment dated 28.2.1998 passed by the 1st Assistant Sessions Judge, Katihar in Sessions Trial No.168 of 1995 is hereby set aside.

(Anjana Prakash, J)

Narendra/-

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