

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16536 of 2011

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1. Gopi Sah @ Gopal Kumar Son Of Mahabir Sah Resident Of Mohalla Lalbag
P.S.- Darbhanga Town, District- Darbhanga.

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Special Secretary Cum Commissioner, Home Department, Government Of Bihar, Patna
3. Inspector General Of Police, Darbhanga
4. Deputy Superintendent Of Police, Darbhanga
5. Officer Incharge, Darbhanga Town District Darbhanga

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nirmal Kumar Sinha-3

For the Respondent/s : Mr. Kumar Kamal Nayan, A.C. to S.C. 33

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL JUDGMENT

Date: 17-09-2015

Heard Mr. Sinha for the petitioner.

The petitioner, along with others, were put on trial vide S.T. No. 146 of 2009 for the offences punishable under Section 304B and other allied sections of the Indian Penal Code lodged by sister of the deceased namely Soni Devi. On conclusion of the trial, the learned 2nd Additional Sessions Judge, Darbhanga acquitted the accuseds including the petitioner of the charges and for having lodged a false case causing loss and damage to the accused persons, the trial Court also granted compensation by imposing cost in the sum of Rs. one lakh on the complainant/informant.

In the writ application, the petitioner prays for enhancement of the compensation.

I fail to understand how a writ application, in such circumstance, would be maintainable. The Court having appreciated the facts of the case while acquitting the petitioner granted compensation. If the petitioner was aggrieved by the quantum of compensation, he could have filed an appeal thereagainst. No such appeal has been filed. That apart, the Trial Court in granting compensation acted in terms of the provisions of the Code of Criminal Procedure. This Court in writ jurisdiction cannot appraise the same.

The writ application is dismissed.

(Kishore Kumar Mandal, J)

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