

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.608 of 2016

Arising Out of PS.Case No. -16 Year- 2013 Thana -HARIZAN District-
BEGUSARAI

=====

1. Prameela Devi, W/o Jagdish Paswan, resident of Village-
Agapur Naya Tola, P.S.-Mansoorchak, District-Begusarai.

.... Appellant/s

Versus

1. The State of Bihar.

2. Sultan Singh @ Prem Kumar Choudhary, Son of Birju Singh @
Ram Niwas Choudhary, resident of Village-Agapur Naya Tole,
P.S.-Mansoorchak, District-Begusarai.

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Jai Prakash Singh, Adv.

Mr. Pankaj Kumar Singh, Adv.

For the Respondent/s : Mr. Shyed Ashfaque Ahmad, APP

=====

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH**

ORAL JUDGMENT & ORDER

Date: 10-11-2016

This appeal, under the proviso to Section 372 of the
Code of Criminal Procedure, 1973, has been preferred against
the judgment and order, dated 10.05.2016, passed by learned
Special Judge, Begusarai; Scheduled Castes and Scheduled
Tribes (Prevention of Atrocities) Act, in Sessions Trial No. 216
of 2014, arising out of SC/ST Begusarai P.S. Case No. 16 of

2013 whereby, he has recorded acquittal of respondent No. 2, who was put on trial on the charges of offences punishable under Sections 341, 323, 504 and 379 of the Indian Penal Code and Section 3 (1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

2. The case of the prosecution, as narrated in the First Information Report, is that on 28.01.2013, at about 3.00 P.M., when the informant was cutting grass with her daughter and another lady, respondent No. 2 is said to have asked her to work in his house. When the appellant did not agree to it, respondent No. 2 is said to have caught her with hair and assaulted her with slaps and fists. The informant of the case is the appellant. The police, upon completion of investigation, submitted charge-sheet for the offences punishable under Sections 341, 323, 504 and 379 of the Indian Penal Code and Section 3 (1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. At the trial, altogether six witnesses were examined by the prosecution out of which P.W. 1 to P.W. 5 turned hostile. P.W. 2, the informant, P.W. 3, the informant's daughter, and P.W. 4, the husband of the informant, supported the case of the prosecution. It is not in dispute that at the trial, neither the Doctor nor the Investigating Officer was examined.



4. For non-examination of the Investigating Officer, learned trial Court concluded that the place of occurrence could not be established. In view of non-examination of the Doctor in the opinion of learned trial Court, injuries on the person of the informant could not be proved. Learned trial Court took into account the fact that the independent witnesses did not support the case of the prosecution rather they turned hostile and all the witnesses, who supported the case of the prosecution, were highly interested witnesses and accordingly recorded acquittal of respondent No. 2.

5. Learned counsel, appearing on behalf of the appellant, has submitted that the findings of acquittal, recorded by the learned trial Court, is not at all sustainable, there being sufficient evidence on record on the basis of which it could have been easily inferred that the prosecution was able to establish the charges against respondent No. 2 beyond all reasonable doubt.

6. I am convinced with the submissions so advanced on behalf of the appellant. Learned trial Court has discussed the evidence, adduced at the trial, in his judgment and order, under appeal. The view taken by learned trial Court that the prosecution could not prove the charge against respondent No. 2 beyond all reasonable doubt, cannot be said to be not a reasonably possible view.

7. It is well accepted norm that a judgment of a trial Court, recording acquittal of an accused, can be up-set only if it is shown that the findings are perverse and conviction of the accused would have been the only possible view without there being any scope of doubt. It has to be kept in mind that acquittal of an accused by the trial Court strengthens the legal presumption of innocence of an accused.

8. I do not find any reason to interfere with the judgment and order impugned.

9. This appeal does not deserve admission and is, accordingly, dismissed.

(Chakradhari Sharan Singh, J.)

Praveen-II/-c

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.11.2016
Transmission Date	11.11.2016