

IN THE HIGH COURT OF JUDICATURE AT PATNA
SLA No.43 of 2016

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1. Akash Kumar Son of Doman Chaudhary, Resident of Mohalla- Chhattar Darwaza, Ward No. 10, Daud Nagar, Police Station- Daud Nagar, Dist- Aurangabad.

.... Appellant/s

Versus

1. The State of Bihar.
2. Rakesh Kumar @ Rajesh Kumar Son of Shree Radhey Shyam Prasad Gupta, Resident of Mohalla- Chhattar Darwaza, Ward No. 10, Daud Nagar, Police Station- Daud Nagar, Dist- Aurangabad.
3. Yamuna Prasad Bari, Son of Late Ram Janam Prasad Bari, Resident of Village- Reganiyan, Police Station- Kutumba, Dist.- Aurangabad.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Parashuram Singh

For the Respondent/s : Mr. Sri Shyed Ashfaque Ahmad

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 28-11-2016 This petition for special leave to appeal has been preferred against the judgment and order, dated 18.07.2016, passed by learned Judicial Magistrate, First Class, Daudnagar, Aurangabad in Complaint Case No. 890 of 2006, giving rise to Trial No. 1779/2016, whereby he has recorded acquittal of Respondent Nos. 2 and 3 of the charges punishable under Section 365/34 of the Indian Penal Code.

2. It transpires from the impugned judgment and order that at the trial, no prosecution witnesses turned up to adduce their evidence except one Doman Choudhary. Neither the complainant nor any other witnesses except said Doman Choudhary presented themselves for adducing evidence. In

such circumstance for want of evident, learned Court below has recorded acquittal of the accused persons.

3. Learned Counsel appearing on behalf of the appellant has attempted to explain the circumstance in which the complainant, who is the appellant herein could not ensure examination of the witnesses at the trial. The explanation is not at all convincing to me. The complaint case was filed in the year 2006. The judgment came to be delivered 10 years thereafter in 2016.

4. In such circumstance, I do not find it to be a fit case for grant of leave to appeal.

5. This application is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

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