

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.48 of 2016

Arising Out of PS.Case No. -125 Year- 1999 Thana -BAIKUNTHPUR District- GOPALGANJ

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1. Ramaji Singh son of Sri Kanhai Singh, Resident of village- Chamanpura,
P.S.- Baikunthpur, District- Gopalganj Appellant/s

Versus

1. The State of Bihar
2. Bindeshwar Singh, son of Shri Maheshwar Singh
3. Virendra Singh son of Shri Maheshwar Singh
4. Yogendra Singh, son of Shri Shyambahadur Singh
5. Upendra singh son of Shri Maheshwar Singh
6. Anil Singh son of Shri Yogendra Singh, All 2 to 6 resident of village-
Chamanpura, P.S.- Baikunthpur, District- Gopalganj Respondent/s

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Appearance :

For the Appellant/s : Mr. Sanjay Kumar Pandey No-5, Advocate
For the Respondent/s : Mr. Bipin Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

3 09-12-2016 The private respondents herein were convicted of the offence punishable under Sections 341, 323, 447, 427, 379 and 504/34 of the Indian Penal Code by the trial court i.e. the court of learned Judicial Magistrate 1st Class, Gopalganj. They were, however, given the benefit of Probation of Offenders Act. On an appeal preferred by the said respondents, learned Additional Sessions Judge-V, Gopalganj has reversed the judgment of the trial court by a judgment dated 29.08.2015 passed in Criminal Appeal No. 51 of 2010 and has recorded their acquittal.

This appeal has been preferred under proviso to Section 372 of the Code of Criminal Procedure against the said judgment and order dated 29.08.2015 passed by learned Additional Sessions Judge V, Gopalganj, whereby the said



respondents have been acquitted.

The appellant is the informant.

Learned counsel appearing on behalf of the appellant has submitted that the judgment and order under challenge suffers from perversity inasmuch as the crucial evidence on record have not been taken into account by the court below.

I do not find any substance in the said submission, the appellate court below after having discussed the evidence on record has acquitted that the case of the prosecution is full of contradiction and suppression. The view taken by the appellate court below cannot be said to be totally perverse. In the present appeal against acquittal, the court is not supposed to re-appreciate the evidence, which has already been done by the appellate court below.

I do not find any reason to interfere with the judgment and order. This appeal is accordingly dismissed.

(Chakradhari Sharan Singh, J)

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