

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (DB) No.415 of 2016

Arising Out of PS.Case No. -111 Year- 2009 Thana -BARH District- PATNA

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Shanker Kumar Sharma @ Shanker Sharma @ Shanker Kumar, S/o Raj Kumar Thakur, Resident of Village- Nawab Kothi Kajmuni Chowk, P.S. Barh, Distt-Patna.

.... Appellant/s

Versus

1. The State of Bihar.
2. Mohan Singh, S/O Late Nirmal Narain Singh, R/O Nawab Kothi, Kajmuni Chouk, P.S. Barh, District- Patna.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH

and

HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH)

Date: 05-09-2016

Heard learned counsel for the appellant and the learned counsel for the respondents.

2. The instant appeal is directed against the Judgment dated 19.09.2015 passed by the 3rd Additional District and Sessions Judge, Barh, Patna, in Sessions Trial No. 1725 of 2011, whereby the respondent no. 2 has been acquitted of the charges under Sections 307/324 of the Indian Penal Code.

3. As per prosecution case, on 16.03.2009, at about 4 A.M., the informant (P.W.1) was sleeping at the Varamdah of his house and some one threw acid on his face, due to which, he suffered

severe burn injury. On cry of appellant, his father and others rushed and took him to Barh Hospital, wherefrom, he was referred to Budha Burn Hospital, Patna. On the basis of the Fardbeyan, the case was registered under Sections 307 and 324 of the Indian Penal Code.

4. The learned Trial Court after discussing the evidence and the material available on record noticed that prosecution has failed to establish the place and time of occurrence. The F.I.R. has also been lodged belatedly and P.W.1 and P.W.2 stated that the injured was not taken to Barh Hospital but straight to Budha Burn Hospital, Patna.

5. In the facts and circumstances of the case, we do not find any infirmity in the judgment of the trial court in acquitting the accused-respondent no. 2 of the charge, under Section 307 and 324 of the Indian Penal Code, the appeal is, accordingly, dismissed.

(Samarendra Pratap Singh, J)

(Rajendra Kumar Mishra, J)

Bhardwaj/-

AFR/NAFR	
CAV DATE	
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