

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.664 of 2016

Arising Out of PS.Case No. -181 Year- 2004 Thana -SURYAGARHA District- LAKHISARAI

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Yogendra Paswan, son of Late Sidheshwar Paswan, Resident of village-
Manuchak, P.S.-Suryagarha, District- Lakhisarai Appellant/s
Versus

1. The State of Bihar
2. Rakesh Kumar, son of Rajendra Paswan
3. Rohit Kumar, son of Rajendra Paswan
4. Seema Devi, daughter of Rajendra Paswan.
Respondent nos. 2 to 4 are Resident of village-Manuchak, P.S.-Suryagarha,
District- Lakhisarai Respondent/s
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Appearance :

For the Appellant/s : Mr. Ambika Bhagat, Advocate
For the Respondent/s : Mr. Sri Ashwani Kumar Sinha, A.P.P.
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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

3 09-12-2016 The respondents No. 2 to 4 stand acquitted of the charge under Section 366A read with Section 34 of the Indian Penal Code by the judgment and order dated 23.04.2016 passed by learned 1st Additional Sessions Judge, Lakhisarai on the ground that the prosecution could not bring home the charges levelled against them. The present appeal under proviso to Section 372 of the Code of Criminal Procedure has been preferred against the said judgment and order.

Learned counsel appearing on behalf of the appellant, who is father of the victim has submitted that the evidence of the victim (P.W.6) has not been appreciated by the court below and, therefore, this Court should interfere with the said judgment and order of acquittal.



I have perused the judgment and order impugned. This is not the case of the appellant that evidence of witnesses have been wrongly described in the impugned judgment. Upon appreciation of the evidence, adduced at the trial, learned trial court has recorded that there was no evidence to prove that respondents No. 2 to 4 induced the victim (P.W.6) in any manner or made her to do any act with an intent to force or seduce her to illicit intercourse.

Nothing substantial has been shown by learned counsel appearing on behalf of the appellant on the basis of the evidence, which has been elaborately described in the impugned judgment and order, on the basis of which it could be said that conviction could have been the only possible view and the acquittal of respondents Nos. 2 to 4 could not be a reasonably view, which has been taken by the court below.

I do not find any merit in this appeal, which does not deserve admission, which is accordingly dismissed.

(Chakradhari Sharan Singh, J)

Vats/-

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