

IN THE HIGH COURT OF JUDICATURE AT PATNA
SLA No.38 of 2016

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1. Md. Kuddush Sah son of Late Md. Muslim Sah resident of Village+P.S.-
Beldaur, district- Khagaria. Appellant/s

Versus

1. The State of Bihar
2. Krishna Kumar Bhagat son of Ramchandra Bhagat
3. Shravan Bhagat son of Ramchandra Bhagat
4. Subodh Bhagat S/o Ramchandra Bhagat
5. Ramchandra Bhagat son of Late Chandu Bhagat All are resident of
village & P.S.- Beldaur, District- Khagaria. Respondent/s

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Appearance :

For the Appellant/s : Mr. Bishweshwar Ram, Advocate
For the Respondent/s : Mr. Sri Abhay Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

3 05-12-2016 A complaint case was filed by Md. Muslim registered as Complaint Case No. 637C of 2002 in the court of learned Chief Judicial Magistrate, Khagaria, disclosing commission of offence under Sections 144, 323, 379 and 427 of the Indian Penal Code. By a judgment and order dated 31.05.2016, the court of Judicial Masticate 1st Class, Khagaria recorded acquittal of the persons named in the complaint petition.

Present application seeking leave to appeal against the said judgment of acquittal dated 31.05.2016 has been filed by the son of the complainant, since the complainant died during the pendency of the trial.

I have carefully gone through the impugned judgment and order of the trial court. The court below has recorded acquittal since in its opinion, the prosecution could not



prove charge against the accused persons beyond all reasonable doubts. It appears on reading of the said judgment that learned trial court has appreciated the evidence and, accordingly, after having come to a conclusion that the charge could not be proved beyond reasonable doubt, has recorded acquittal.

It is settled principle that presumption of innocence of an accused in criminal jurisprudence stands strengthened with acquittal of such accused, recorded by a trial court. The appellate court is not supposed to re-appreciate the evidence in order to arrive at a different view. Interference can be required only if the findings are perverse being contrary to evidence or without any evidence.

I do not find any such circumstance existing in the present case. I do not find the present case to be fit for grant of leave to appeal.

This application is accordingly rejected.

(Chakradhari Sharan Singh, J)

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