

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1001 of 2016

Arising Out of PS.Case No. -26 Year- 1994 Thana -KOTWA District-
EASTCHAMPARAN(MOTIHARI)

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1. Rameshwar Hazra son of Batkhari Harza, Resident of Village Aamawa,
Police Station Kotwa, District East Champaran.

.... Appellant/s

Versus

1. The State of Bihar
2. Shankar Mahto son of Rameshwar Mahto.
3. Keshav Lal Mahto son of Thag Mahto.
4. Munchand mahto son of Thag Mahto.
5. Thag Mahto son of Rameshwar Mahto.
6. Babulal Singh Son of Late Hira Singh All are the resident of village
Aamawa, Police Station-Kotwa District East Champaran.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Lalan Kumar Verma, Advocate
For the Respondent/s : Mr. Sri Sadanand Paswan, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 28-11-2016 The present appeal under Section 14A (1) of the

Scheduled Castes and Scheduled Tribes (Prevention of Atrocities),

Act, 1989 has been preferred against the judgment and order dated

17.08.2016 passed in Sessions Trial No. 213 of 1997 whereby

learned court of 1st Additional Sessions Judge, East Champaran at

Motihari has recorded acquittal of the opposite parties No. 2 to 6.

The opposite parties No. 2 to 6 stood charged of the

offences punishable under Section 147, 323 and 379 of the Indian

Penal Code and Section 3 (1)(x) of the Scheduled Castes and

Scheduled Tribes (Prevention of Atrocities) Act.



Briefly narrated, the case of the prosecution as unfolded in the *fardbeyan* of the informant (P.W.4) is that on the date of occurrence i.e. 06.05.1994, accused Chulhai Mahto and other accused persons armed with lathi, bhala etc. entered into the maize field of the informant and they started abusing the informant. They attempted to cut the maize crop and on protest made by the informant, they assaulted the informant's father with fists and slaps and took away the maize crop from the said field. It was alleged against accused Chulhai Mahto that he had set the informant's house on fire.

It has been stated by learned counsel for the appellant that said Chulhai Mahto died during the pendency of trial.

The Police upon completion of investigation submitted chargesheet whereafter, the charge was framed after taking into cognizance. Since the respondents denied the charge, the trial commenced.

At the trial, prosecution examined altogether five witnesses including the informant as P.W.4. P.W. 5 has been declared hostile. P.W. 2 is the wife of the informant whereas P.W. 3 is his own brother of the informant. P.W. 1 is an agnate of the informant. On perusal of the impugned judgment and order and



other materials on record, it transpires that there existed a land dispute between the appellant and the respondents. It transpires from the judgment and order under challenge that P.W. 4 deposed in his evidence that the disputed land had been purchased by him through registered sale deed from one Gopi Chand Mahto but he could not produce any sale deed regarding the land in question before the Court. Admittedly a Title Suit No. 80 of 1994 was pending between the informant and accused persons regarding the land in question.

Apparently thus, the appellant could not establish before the trial Court that the appellant had the title and possession over the land in question.

Lenard trial court after having appreciated the evidence on record and considering the fact that all the witnesses were interested witnesses and there was no other evidence to corroborate their evidence, recorded acquittal of the respondents.

In such circumstance, I do not find any legal infirmity in the judgment and order impugned.

There is no merit in this appeal, which is accordingly dismissed.

(Chakradhari Sharan Singh, J)

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