

IN THE HIGH COURT OF JUDICATURE AT PATNA
SLA No.39 of 2016

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1. Dulari Devi, Wife of Jawahar Lal, Resident of Laxmichak, Police Station- Shahpur, District- Patna.

.... Appellant/s

Versus

1. The State of Bihar.
2. Rajeshwar Kumar, Son of Late Ram Saran Singh, Resident of Village- Uran Tola, Police Station- Shahpur, District- Patna.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Lakshmindra Kumar Yadav

For the Respondent/s : Mr. Sri Shyed Ashfaque Ahmad

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

3 13-12-2016

Heard learned counsel for the parties.

This application for leave to appeal under Section 378(4) of the Code of Criminal Procedure, 1973, has been filed against the judgment and order dated 29.07.2016 passed by the learned Judicial Magistrate Ist Class, Danapur, Patna in Complaint Case No. 1106(C) of 2009, whereby he has acquitted the Opposite party No.2 of the charge punishable under Section 420 of the Indian Penal Code.

The gist of the case of the prosecution is that the petitioner had given a sum of Rs. 50,000/- (fifty thousand) as consideration money to Opposite party No.2 for execution of sale deed in respect of a piece of land. The Opposite party No.2



subsequently, denied to execute the sale deed nor did he repay the amount.

Learned Court below, upon considering the contradictory evidence of the prosecution witnesses on record, has recorded acquittal of the Opposite party No.2.

I have perused the impugned judgment and order and other materials on record. The contradictions in the evidence of the witnesses on the point of payment of the said amount are evident. Further, at the trial the prosecution failed to give even the details of loan in question.

I do not find any legal infirmity in the impugned judgment and order.

This application for leave to appeal has no merit, which is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

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