

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (DB) No.858 of 2016

Arising Out of PS.Case No. -42 Year- 2011 Thana -NALANDA District- NALANDA
(BIHARSHARIFF)

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1. Sudha Devi @ Kanchan Mala wife of Late Prem Kumar resident of
Village- Maniyawan P.S.- Nalanda District- Nalanda.... Appellant

Versus

1. The State of Bihar

2. Bale Kewat son of Shiv Kewat resident of Village-Malah Bigha, P.S.-
Nalanda District- Nalanda

3. Pappu @ Ranjit Kumar son of Jailal Prasad

4. Gorelal @ Sanjit Kumar son of Jailal Prasad

Both 3 and 4 resident of Village- Maniyawn, P.S.- Nalanda District-
Nalanda

... Respondents

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Appearance :

For the Appellant/s : Mr. Anil Chandra, Advocate

For the Respondent/s : Mr. Sri Ashwani Kumar Sinha, APP

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**CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD
SINGH**

and

**HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

3 23-11-2016 This is an appeal against judgment of acquittal dated 15th

June, 2016 passed in Sessions Trial No. 447 of 2011 by learned 6th

Additional Sessions Judge, Nalanda at Biharsharif.

We have heard learned counsel for the appellant and we

see no reason to interfere. The grievance being made is even

though ten prosecution witnesses have been examined, which

includes some of the witnesses who were not shown as witness in

chargesheet, the informant, the Doctor, the Investigating Officer

have not been examined. In our view, their non examination has

been virtually considered to be fatal to the prosecution case by the

trial court and we see no reason to take a different view of the matter when the prosecution was aware of the proceedings and ten witnesses were examined, holding back the Doctor, the Investigating Officer and the very informant where the informant was the wife of the deceased, we would not interfere in such a situation. This appeal is accordingly, dismissed.

(Navaniti Prasad Singh, J)

(Jitendra Mohan Sharma, J)

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