

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.126 of 2014

Arising Out of PS.Case No. -44 Year- 1998 Thana -PHULPARAS District- MADHUBANI

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1. Ramashish Mahto Son Of Late Narayan Mahto Resident Of Village- Dumara, Tole-
Dhatta, P.S.- Andhratharhi Now Rudrapur, District- Madhubani

.... Appellant/s

Versus

1. The State Of Bihar

2. Wasim Ahmad Son Of Md. Isha Ansari Resident Of Vill. Andhra, P.O. And P.S.
Andhratharhi Dist.- Madhubani, Presently Posted As Assistant Teacher, Middle
School, Araria, P.O.- Sangram, P.S. Jhanjharpur Dist.- Madhubani

.... Respondent/s

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Appearance :

For the Appellant/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH
ORAL JUDGMENT

Date: 13-02-2017

The opposite party no. 2 has been acquitted of the charge for the offences punishable under Sections 341, 323, 504 read with Section 34 of the Indian Penal Code by the judgment dated 04.06.2011 passed by the Judicial Magistrate 1st Class, Jhanjharpur in T.R. Case No. 1254/2011 arising out of G.R. Case No. 243 of 1998.

The appellant, who is the informant of the connected police case is aggrieved by the said judgment and order and has preferred this appeal under proviso to Section 372 of the Criminal Procedure Code, 1973.



The case of the prosecution as briefly narrated in the impugned judgment and order is that on the alleged date of occurrence i.e., 28.03.1998 when the informant was sitting in the office of Middle School, Arariya Sangram, one Mr. Rashid Siddiqui (co-accused since deceased) and the respondent no. 2 came there and assaulted him. It is alleged that the deceased co-accused had assaulted on the head of the informant with sharp edged weapon, causing injuries consequent upon which he became unconscious.

On completion of investigation the police submitted the chargesheet and there being denial by the opposite party no. 2, after framing of charge, the trial commenced.

I find from the impugned judgment and order that no witness supported the case of the prosecution except the appellant. Though it was his case that he was sitting in the School at the time of occurrence, none of the persons present in the School came forward to support the case of the prosecution.

Considering the evidence on record, the learned court below has recorded the acquittal of the opposite party no. 2.

In do not find any perversity in the finding recorded by the court below as it cannot be said that the said finding is against the evidence adduced at the trial. There is nothing clinching on the basis of which the opposite party no. 2 could have been convicted of



the charge framed against him.

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

(Chakradhari Sharan Singh, J)

Ranjan/-

AFR/NAFR	NAFR
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