

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.146 of 2017

Arising Out of PS.Case No. -null Year- null Thana -null District- SAMASTIPUR

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Sudha Kumari, Wife of Sri Kamlesh Rai @ Kamal Rai and Daughter of Shri Ram Swarath Rai, Resident of Village- Dadpur Tole Chaknoor, P.S.- Muffasil, District- Samastipur at present reside at Village- Umedpur, P.S.- Tajpur, District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Kamlesh Rai @ Kamal Rai, Son of Baleshwar Rai.
3. Ravish Kumar, Son of Baleshwar Rai.
4. Usha Devi, Wife of Baleshwar Rai.
5. Baleshwar Rai, Son of Late Nathuni Rai.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anirudh Kumar Sinha

For the Respondent/s : Mr. Nand Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

Date: 23-03-2017

The opposite party nos. 2 to 5 were put on trial and charged of the offences punishable under Sections 498A read with section 34 and 313 of the Indian Penal Code and section 3/4 of the Dowry Prohibition Act.

2. They have been acquitted by the impugned judgment and order dated 14.12.2016 which has been put to challenge in the present Criminal Revision filed under Sections 401 and 397 of the Cr. P.C.

3. Learned counsel appearing on behalf of the



petitioner, assailing the impugned judgment and order, has submitted that not only the informant, who is the victim, but other independent witnesses also had supported the case of prosecution at the trial. He has further submitted that the impugned judgment has been passed acquitting the said opposite parties on an incorrect premise that some of the defence witnesses denied allegation of demand of dowry by the petitioner. He has submitted that, that fact could not have been a valid consideration for recording acquittal.

4. I have perused the impugned judgment and order passed by the learned court below. I find that the court below has considered the evidence adduced at the trial on behalf of the prosecution and the defence as well. Upon analysis of evidence so adduced, the Court has recorded acquittal, giving the said opposite parties benefit of doubt.

5. On perusal of the said impugned order, I am of the considered view that the findings recorded by the trial court cannot be said to be perverse, being contrary to the evidence on record. This is well accepted norm that a judgment recording acquittal is to be interfered with by the revisional or even appellate court only if the findings are palpably wrong and, thereby, suffers from perversity. A trial court has the additional benefit of watching the witnesses and their demeanour, and appreciating the evidence adduced in that



background. The finding recorded by the trial court leading to acquittal of an accused strengthens the legal presumption in his favour, of his innocence. The revisional court or appellate court may, in such situation, interfere with the findings only if it can be shown that conviction would have been the only possible view on the basis of evidence adduced at the trial of trial.

6. I do not find such situation existing here. On perusal of the impugned order, wherein the evidence has been discussed, it cannot be said that recording of finding of acquittal of the opposite parties by giving them benefit of doubt would not have been reasonably possible view. I therefore, do not intend to interfere with the impugned judgment and order.

7. This application is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

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AFR/NAFR	NAFR
CAV DATE	NA
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