

IN THE HIGH COURT OF JUDICATURE AT PATNA
SLA No.16 of 2017

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Rajendra Prasad Singh, Son of Late Sitaram Singh, resident of village
Dharmagatparasi P. S. Karakat District Rohtas

.... Appellant/s

Versus

1. The State of Bihar
 2. Sanjay Singh, son of Ramkripal Singh
 3. Ramkripal Singh, son of Late Ramjag Singh
 4. Rambhaju Singh, son of Lakshaman Singh
 5. Lakshaman Singh, son of Late Ramjag Singh
 6. Lalita Devi wife of Ramkripal Singh
 7. Dulari Devi, wife of Lakshaman Singh, all are resident of village
Chakchatar P.O. Dawath District Rohta Respondent/s
- =====

Appearance :

For the Appellant/s : Mr. Rajnish Kumar Dubey

For the Respondent/s : Mr. Sri Panchanand Pandit

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI

SHARAN SINGH

ORAL ORDER

3 18-04-2017 The petitioner is complainant of Complaint Case No. 718C of 2011/Trial No. 1118 of 2017, which was registered on the allegation of commission of offence punishable under Section 498A of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

Respondent Nos. 2 is the husband of the daughter of the petitioner and respondents No. 3 to 7 are his family members. They were put on trial for commission of offence punishable under the aforesaid Section of the Indian Penal Code. By the impugned order, dated 27.01.2017, the learned Sub-Divisional Judicial Magistrate, Bikramganj has recorded their acquittal.

The present application has been filed seeking leave



to prefer appeal against the said judgment and order of acquittal.

Learned counsel appearing on behalf of the petitioner has submitted that the prosecution at the trial could prove beyond all reasonable doubt that the victim was compelled to starve for nearly two days by the accused persons and, therefore, acquittal of the respondent Nos. 2 to 7 on the ground that cruelty within the meaning of Section 498A of the Indian Penal Code could not be established at the trial is erroneous and perverse and on that basis the impugned judgment and order requires interference.

I have perused the impugned judgment and order. Learned Court below after having examined the evidence adduced at the trial and duly applying the definition of cruelty as given in Section 498A of the Indian Penal Code has recorded that the prosecution could not prove beyond all reasonable doubt commission of offence punishable under Section 498A of the Indian Penal Code. The Court below doubted the correctness of the statement of the witnesses with respect to charge under Section 4 of the Dowry Prohibition Act. On careful examination of the impugned order, I am of the view that the findings recorded by the Court below cannot be said to be perverse requiring interference. No, *prima facie*, case for interference with the



impugned order is made out. No case for grant of leave to appeal is accordingly made out.

This application, being meritless is dismissed.

(Chakradhari Sharan Singh, J)

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