

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.940 of 2014

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1. Sanjeet Kumar Son of Ramdeo Sah Resident of Village - Saho, P.S. -
Biraul, District - Darbhanga (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar.
2. Fusi Pandit Son of Late Makhan Pandit
3. Jitu Pandit Son of Ganesh Pandit
4. Sadhu Pandit Son of Late Ram Bahadur Pandit
5. Madhu Pandit Son of Late Ram Bahadur Pandit
6. Ganesh Pandit Son of Jitu Pandit Sl. No. 2 to 6 are resident of Village -
Saho, P.S. - Biraul, District - Darbhanga (Bihar).

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra, Advocate
Mr. Ajay Kumar Singh, Advocate
For the Respondent/s : Mr. Md. Fahimuddin, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

4 16-02-2017 The petitioner assails an order dated 11.07.2014

passed by learned Ad hoc Additional Sessions Judge-IVth,

Darbhanga in Criminal Appeal No. 36 of 2012, whereby he has

reversed the judgment and order of conviction passed by learned

Judicial Magistrate 1st Class, Biraul at Benipur in Trial No. 1615

of 2012.

The trial court had recorded conviction of
respondents No. 2 to 6 of the offences punishable under Sections
323, 504, 341, 448 all read with Section 34 of the Indian Penal
Code. In addition, respondent No. 2 was convicted of the offence



punishable under Section 379 of the Indian Penal Code. In stead of sentencing the said respondents to any term of imprisonment or fine, the trial court had released them after due admonition giving them benefit of Section 3 of the Probation of Offenders Act.

The appellate court, however, by the impugned judgment and order dated 11.07.2014 has reversed the finding of conviction recorded by the trial court and has given the respondents No. 2 to 6 benefit of doubt.

It is apparent, thus, that on the basis of evidence adduced at the trial, the trial court recorded conviction of the private respondents whereas the appellate court has recorded their acquittal. Apparently, thus, on the basis of the evidence adduced at the trial, there are two views, one taken by the trial court and the other taken by the appellate court. It is settled law that if two views are possible on the basis of the evidence at the trial, one which is favourable to the accused has to be accepted, unless such view recording acquittal is completely perverse and against the evidence available at the trial.

I do not find any exceptional circumstance to interfere with the impugned judgment and order of the appellate court below. The view taken by the appellate court cannot be said to be not a reasonably possible view requiring interference.



This application has no merit and it is, accordingly,
dismissed.

(Chakradhari Sharan Singh, J)

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