

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.1258 of 2016

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

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1. Ranjeet Kumar Son of Mukhlal Sah Resident of Village- Sahejani, P.S.- Piro,
District- Bhojpur at Ara.

.... Petitioner/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manoj Priyadarshi
Mr. Ajay Kumar Singh

For the Respondent/s : Mr. Parmanand Prasad

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

JUDGMENT AND ORDER
ORAL

Date: 30.01.2017

Heard learned Counsel for the petitioner and
learned Additional Public Prosecutor representing the State.

2. The petitioner is aggrieved by judgment and
order, dated 19.09.2016, passed, by learned Additional
Sessions Judge X, Patna, in Criminal Appeal No. 2001 of 2014,
whereby he has affirmed the judgment and order of acquittal
recorded in the judgment and order, dated 13.12.2013, passed
by learned Judicial Magistrate, 1st Class, Patna, in G. R, No.
4465 of 2003, arising out of Pirbahore Police Station Case No.
354 of 2003.

3. What I find, from the judgments and orders



impugned, is that for want of sufficient evidence, the Courts below have recorded acquittal and affirm acquittal. The informant was the only prosecution witness examined.

4. Learned Counsel appearing on behalf of the petitioner has relied on a Supreme Court's decisions, in the cases of **Sadhu Saran Singh v. State of Uttar Pradesh and Others**, reported in **(2016) 4 SCC 357**, and **Takdir Samsuddin Sheikh v. State of Gujarat and Another**, reported in **(2011) 10 SCC 158**, in support of his contention that number of witnesses deposing at a trial is irrelevant for the purpose of the Courts to come to conclusion of a guilt of a person charged. He has submitted that there being no contradiction in the evidence of the sole eye-witness, the informant herself, the Courts below ought not to have allowed the Opposite Party No. 2 to be acquitted of the charge.

5. The considerations are entirely different while entertaining a petition under Section 397 read with Section 401 of the Code of Criminal Procedure, 1973, against orders of acquittal and conviction. The judgment and order recording acquittal of a person can be interfered with only when it can be shown that on the basis of materials on record, no other view, except conviction of the person charged, would have been possible.

6. The presumption of innocence of an accused is



the general principle of criminal jurisprudence. The presumption stands strengthened with the acquittal being recorded by the Trial Court. In the present case, there is concurrent finding of fact recorded by the Trial Court and the Appellate Court, holding Opposite Party No. 2 not to be guilty of the offences for which he was put on trial.

7. The decisions rendered by the Supreme Court, as noted above, have no application in the present facts and circumstances of the case, which did not arise out of a judgment of acquittal.

8. I do not find any compelling circumstance to interfere with the judgments and orders impugned. This application stands dismissed.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

AFR/NAFR	NAFR
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