

IN THE HIGH COURT OF JUDICATURE AT PATNA
SLA No.1 of 2017

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1. Ranvir Rai, son of Late Bishun Dayal Rai, Resident of Ahirpurwa, Police Station- Ara Town, District- Bhojpur.

.... Appellant/s

Versus

1. The State of Bihar.
2. Surendra Prasad, Son of Late Radha Kishu Bhagat, Cloth Shop, Raj Kumar Bhatiya Market, Police Station- Ara Town, District- Bhojpur.
3. Raj Kumar Bhiwaniwala, Son of Late Mahavir Bhiwaniwala, Employer M/s Raj Kumar, Vinod Kumar Cloth Shop, Bhatiya Market, Police Station- Ara Town, District- Bhojpur.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ramashray Roy
For the Respondent/s : Mr. Smt. Abha Singh

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

3 06-02-2017 Let the defects as pointed out by the Stamp Reporter be ignored.

2. Though the application seeking leave to appeal against the judgment and order, dated 26.08.2016 passed by learned Chief Judicial Magistrate, Bhojpur at Ara, in Complaint Case No. 1356 C/2013 recording acquittal of Respondent Nos. 2 and 3 of the charge under Sections 323,504,379 of the Indian Penal Code has been placed under the heading "Orders", with the report of certain defects, this application is being disposed of on merits, after having heard learned counsel for the petitioner.

3. As per the case of the prosecution, the father of



the complainant was working in a shop run by the Opposite parties. The Opposite parties used to pay the deceased father of the complainant a sum of Rs. 18,00/- per month as salary but he was made to put his signature showing the paid amount as Rs.2675/-. After his death, the complainant is said to have taken steps for payment of the amount and had gone to a shop of Respondent Nos. 2 and 3. They are said to have assaulted the complainant and snatched an amount of Rs. 2,000/- from his pocket.

3. A complaint petition to this effect was filed. Upon taking of cognizance and framing of charge, the trial commenced. Learned trial Court has recorded acquittal of Respondent Nos. 2 and 3 by the impugned judgment and order.

4. What I notice from the impugned judgment and order that all the prosecution witnesses belong to the same family and though the occurrence was said to have taken place in a busy market place, no independent witnesses turned up to support the case of the prosecution. Learned Court below also took into account material contradictions in deposition of witnesses. Accordingly, the Court below reached the conclusion that the prosecution could not prove the charge beyond all reasonable doubts.

5. Learned Court below has taken into account the



evidence adduced at the trial and has discussed such evidence in the judgment and order impugned.

6. I do not find any perversity or legal infirmity warranting interference by this Court against judgment of acquittal.

7. The leave to appeal is, accordingly, refused.

(Chakradhari Sharan Singh, J)

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