

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.612 of 2016

Arising out of

Criminal Appeal No. 1995 of 2014

Arising Out of P.S. Case No. - 372 Year- 2007 Thana – Gardanibagh District- PATNA

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Aushinary, wife of Sanjay Sinha, Daughter of Rabindra Nath Sharma, Resident of C/o Rafi Ahmed, At - Damaria, Near Graveyard, Anishabad, P.S.- Gardanibagh, Dist- Patna.

.... Petitioner

Versus

1. The State of Bihar
2. Rekha Sinha daughter of Sachidanand Sinha
3. Siya Sundari Devi Wife of Sachidanand Sinha
4. Sachidanand Sinha son of Late Ram Chandra Singh
5. Sanjay Sinha, son of Sachidanand Sinha,
All opposite party no. 2 to 5 are Resident of village- Bihari, P.O.- Bithouli, P.S.- Bhagwanpur, Dist- Vaishali. At present residing in the house of Anant Ram Pradhan, House No. 241, At + P.O.- Ghitorni, P.S.- Ghitorni, New Delhi

.... Respondents

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Appearance:

For the Petitioner/s : None.
For the Respondent-State: Mr. R.B. Roy 'Raman', A.P.P.
For Opposite Parties 2 -5: Mr. Vishnudeo Narayan, Sr. Advocate,
Mr. Manoj Kumar Manoj and
Mr. Chandra Shekhar Jha, Advocates.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

Date: 19-05-2017

By the impugned order dated 23.12.2015 passed in Cr. Appeal No. 1995/2014, the learned Additional Sessions Judge VIII, Patna has reversed the findings of guilt of Opposite Parties no. 2 to 5, of the offences punishable under Section 498A of the Indian Penal Code and Section 4 of the Dowry Prohibition Act, recorded at the trial by the judgment and order dated 25.03.2014 passed by the learned S.D.J.M., Patna arising out of Gardanibagh P.S. Case No. 372/2007



(G.R. No. 5195/20017).

2. The petitioner, who is the informant of the case, has filed the present Criminal Revision application under Section 397 read with Section 401 of the Code of Criminal Procedure against the said judgment and order of acquittal recorded by the learned Additional Sessions Judge VIII, Patna.

3. The plea which has been taken in the present Criminal Revision application assailing the impugned order, as submitted, is that the court below has failed to appreciate the legal issue settled by the Hon'ble Supreme Court in the case of **Sunita Kumari Kashyap v. State of Bihar & Ors.** reported in **2011 (2) SCC 301** on the point of territorial jurisdiction. Reliance has also been placed on a decision of this Court in the case of **State of Bihar & Anr. v. Bhatni Devi**, reported in **2012 (1) PLJR 106**. It has also been submitted that the court below has failed to apply its judicial mind and has wrongly recorded acquittal of Opposite Parties no. 2 to 5.

4. Upon perusal of the impugned judgment and order, I find that the appellate court below has reversed the findings of guilt recorded by the trial court on appreciation of evidence on record and has not merely allowed the appeal on the ground of want of territorial jurisdiction of the trial court. The appellate court has considered the evidence on record and after evaluating them has come to a



conclusion that the prosecution has failed to prove its case beyond all reasonable doubts. Upon a careful perusal of the impugned judgment, I do not find any perversity in the findings recorded by the appellate court.

5. It is trite that if two views are possible on the same set of evidence and if the view in favour of the accused cannot be said to be not a reasonably possible view, the view favourable to the accused must be accepted. The view formed on appreciation of evidence adduced at the trial cannot be said to be not a reasonably possible view or otherwise perverse. A finding recording acquittal would need interference in exceptional circumstances where on the basis of evidence no view other than conviction of an accused can be taken. This is not one of such cases in which interference with the findings recorded by the appellate court below is required.

6. I do not find any merit in this revision application. It is accordingly dismissed.

(Chakradhari Sharan Singh, J)

Dilip, AR

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	06.06.2017
Transmission Date	N/A

