

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.618 of 2002

**(Against the judgment of conviction and order of sentence
9.10.2002 and 10.10.2002 passed by Sri Aditya Kumar
Trivedi in Sessions Trial No. 135 of 1995, arising out of
Barauni P.S. Case No. 234/93)**

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Lakshman Singh, son of Gulo Singh, resident of village- Barauni Flag, P.S.-Teghra,
District-Begusarai.

.... Appellant/s

Versus

State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Chaudhary Shyam Nandan, Adv

For the Respondent/State Mr. S.A. Ahmad, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 14-10-2017

Heard learned counsel for the appellant and the counsel
for the State.

1. The sole appellant in this case is aggrieved by the
judgment of conviction and order or sentence dated 9.10.2002 and
10.10.2002 in Sessions Trial No. 136 of 1996.

2. The trial court vide judgment dated 9.10.2002 held
out that allegation of kidnapping against the accused Laxman Singh
has been proved beyond doubt. However, the other accused have been
extended benefit of doubt and passed order of sentence of three
months' rigorous imprisonment for the offence under section 363 and
to pay a fine of Rs. 5000/- and in default R.I. for six months.

3. Learned counsel for the appellant has drawn attention



of the court to the deposition of P.Ws. 1, 2, and 4 which was noted by the trial court in para 7, 8, 9 and 10. The relevant part of the deposition of the P.Ws. 1, 2, and 4 quoted by the trial court reads as follows:-

“In cross-examination said that his daughter-in-law resides in his house. Further said that his son had gone to marry without disclosing him and therefore, for want of knowledge, he filed the case. Further he said that how his son had gone to marry, he cannot say.

In cross-examination he said that son of Ram Udgar had married with daughter of Laxman Singh, out of sweet will. Because of the fact that the said episode was not known to Ram Udgar, therefore, he instituted the case. Further he said that daughter-in-law of Ram Udgar is living at her Sasural and further is pregnant.

In cross-examination he had said that there was no kidnapping of Sunil rather Sunil had himself out of his sweet will married. As they were not known at that very time, therefore, the case was instituted. Further he had said that the girl is at her Sasural where she has begotten a child.”

4. From perusal of the deposition of the P.Ws. 1, 2 and 4, it appears that the boy allegedly kidnapped in the instant case has joined wedlock with the girl and both families are now maintaining cordial and normal relationship.

5. The trial court has also noted that daughter of the



convict is settled at her Sasural where she got a child.

6. In view of the aforesaid, the court is of the view that pragmatic approach is required in the instant case considering the fact that the alleged kidnapped boy has joined wedlock with the daughter of the convict and they are leading normal conjugal life It would be in the interest of justice that this case should be closed in order to promote the normal relationship between the informant and the convict-appellant.

7. Considering the totality of the facts situation and also noticing the fact that from the deposition of the P.Ws. 1, 2 and 4 no case of kidnapping is proved.

8. Accordingly, the appeal is allowed. The judgment of conviction and order of sentence passed by the trial court is set aside. The bail bond of the appellant is discharged.

(Anil Kumar Upadhyay, J)

Ravi/-

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