

IN THE HIGH COURT OF JUDICATURE AT PATNA
SLA No.17 of 2016

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1. Sheikh Dilsher Son of sheikh Aayat Hussain Resident of Village-Khanpur,P.S.-Maharajganj,District-Siwan

.... Appellant/s

Versus

1. The State of Bihar
2. Islam Ansari Son of Yaseen Ansari
3. Nesar Ahmad Son of Imam Hussan Khan @ Basawan Khan Both Resident of Village-Lahladpur,P.S.-janta Bazar District-Saran
4. Anwarul Haque Son of Sheikh Yunus Resident of Village-Shankarpur,P.S.-Bhagwanpur,District-Siwan
5. Md. Alisher Son of Sheikh Aayat Hussai Resident of Village-Khanpur, P.S.- Maharajganj, District-Siwan

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Sangeeta Sharma

For the Respondent/s : Mr. Smt. Abha Singh(App)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

4 21-02-2017 Heard learned counsel for the parties.

The Respondents had been convicted at the trial being Trial No. 107 of 2014 arising out of Complaint Case No. 1573 of 2004 of the offence punishable under Sections 423 of the Indian Penal Code and were sentenced to undergo rigorous imprisonment for a period of two years with a fine of Rs. 500/- each. The said judgment and order passed by learned Judicial Magistrate First Class, Saran at Chapra has been reversed by learned Additional Sessions Judge-VIII, Saran at Chapra, in Criminal Appeal No. 86 of 2014, which is sought to be challenged by seeking leave to



appeal under Section 378(4) of the Code of Criminal Procedure, 1973.

I have perused the impugned judgment and order, which is based on appreciation of evidence available on record. The appellate Court upon due consideration of the evidence of the witnesses has recorded in his judgment of acquittal that the prosecution could not establish the case beyond all reasonable doubt. It is well settled principle that if two views are possible, one leading to conviction of a person and another to his acquittal, the view which is favourable to accused should be adopted.

Considering the nature of dispute between the parties and the fact that the judgment of the appellate Court is based on due appraisal of evidence, I do not find any reason to grant leave to appeal.

This application for leave to appeal is rejected.

(Chakradhari Sharan Singh, J)

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