

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.799 of 2014

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Arvind Kumar, S/o Late Ram Surat Prasad Sah, Resident of Mohalla Panch Mandir Road, in front of Bhibhagiya Bhandar, P.S. Motihari Town, District East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

2. Mahendra Baitha, S/o Jogi Baitha, Resident of Village Urdu Library Road, P.S. Town Motihari, District East Champaran.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kr. No.-II, Adv.

For the Respondent/s : Mrs. Reena Sinha, APp

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT & ORDER

Date: 07-02-2017

Heard the parties.

2. The present criminal revision application, under Section 397 read with Section 401 of the Code of Criminal Procedure, has been preferred against the judgment and order, dated 15.07.2014, passed by the learned Chief Judicial Magistrate, Motihari, East Champaran in Trial No. 4712 of 2014/G.R. No. 1462 of 2007, arising out of Town P.S. Case No. 168 of 2007.

3. According to the case of the prosecution, opposite



party No. 2 was engaged as Driver of a Bolero vehicle, owned by the petitioner. The petitioner lodged a criminal case against opposite party No. 2 making allegation of having taken away the said vehicle, which he was driving, leading to registration of First Information Report for the offence punishable under Section 406 of the Indian Penal Code. The First Information Report was lodged in the year 2007. Opposite party No. 2 was taken into custody in the year 2011 and he remained in custody from 27.07.2011 to 20.07.2013.

3. By the judgment and order, dated 15.07.2014, learned Chief Judicial Magistrate, Motihari, East Champaran has recorded acquittal of opposite party No. 2, on the ground that the prosecution failed to produce any witness.

4. Learned counsel for the petitioner has submitted, challenging the said judgment and order, dated 15.07.2014, that the petitioner, who was the informant of the police case, had no knowledge about the trial, going on in the Court of learned Chief Judicial Magistrate, Motihari, East Champaran.

5. From the order-sheet, certified copy of which has been presented by learned counsel for the petitioner, I find that the court below had taken steps for production of prosecution witnesses and despite sufficient opportunity having been granted, the prosecution failed to produce the witnesses to support the case of the prosecution.



6. Having considered thus and the fact that opposite party No. 2 had been compelled to stay in custody for nearly two years during the pendency of investigation/trial, I do not find any reason to interfere with the judgment and order under challenge.

7. This application is meritless and is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

Praveen-II/-

AFR/NAFR	NAFR
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