

IN THE HIGH COURT OF JUDICATURE AT PATNA

SLA No.10 of 2017

Arising Out of PS.Case No. -null Year- null Thana -null District- SIWAN

- =====
1. Manager Manjhi, Son of Late Mahabir Manjhi, Resident of Village- Mishrawalia, Post Office- Sakara, Police Station- G.B. Nagar (Tarwara), District- Siwan.

.... Appellant

Versus

1. The State of Bihar
2. Sudama Yadav, Son of Late Ramdhari Yadav, Resident of Village- Gohpur, Police Station- G.B. Nagar (Tarwara), District- Siwan.
3. Dinanath Yadav, Son of Jaleshwar Prasad, Resident of Village- Mishrawalia, Police Station- G.B. Nagar (Tarwara), District- Siwan.
4. Devendra Sharma, Son of Motichand Sharma, Resident of Village- Bajrihiya, Police Station- G.B. Nagar (Tarwara), District- Siwan.

.... Respondents

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Appearance :

For the Appellant/s : Mr. Umesh Kumar Mishra
For the Respondent/s : Mr. Bipin Kumar

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

JUDGMENT AND ORDER
ORAL

Date: 07-04-2017

Heard learned Counsel for the petitioner and learned Additional Public Prosecutor representing the State.

2. This application has been filed seeking leave to appeal against the order, dated 14.12.2016, passed by learned Additional Sessions Judge –cum- Special Court, Siwan, in Complaint Case No. 2289 of 2008, which gave rise to



Special Sessions Trial No. 80 of 2010, whereby he has recorded acquittal of Opposite Party Nos. 2, 3 and 4. The said Opposite Party Nos. 2 to 4 were charged of commission of offences punishable under Sections 323 and 341 of the Indian Penal Code and Sections 3 (i) (x) of the Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act.

3. Learned Counsel appearing on behalf of the petitioner has submitted that the learned Court below, despite there being ample evidence to establish beyond all reasonable doubt that the Opposite Party Nos. 2 to 4 had committed the offences punishable under Sections 341 and 323 of the Indian Penal Code and Section 3 (i) (x) of the Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act, has recorded acquittal. According to him, the judgment of the learned Court below is contrary to the evidence adduced at the trial.

4. I have perused the impugned judgment and order recording acquittal of the Opposite Party Nos. 2 to 4. It is not the case of the petitioner that description of the evidence of prosecution witnesses, as recorded by the learned Court below, is incorrect. It is apparent from the impugned judgment and order that there was some dispute between the complainant and accused over right, title and interest with respect to a piece of land, on which the occurrence is said to have taken place. Learned Court below has duly appreciated



the evidence of prosecution witnesses in the background of the genesis of occurrence and upon analysis of such evidence, has recorded acquittal of Opposite Party Nos. 2 to 4.

5. I do not find any perversity in the findings recorded by the learned Court below. The view, which has been taken by the learned Court below, while recording acquittal of the Opposite Party Nos. 2 to 4, cannot be said to be not a reasonably possible view. In such circumstance, I do not find any apparent legal infirmity in the judgment and order impugned.

6. I do not find it to be a fit case for grant of special leave to appeal. This application is accordingly dismissed.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

AFR/NAFR	NAFR
CAV DATE	N.A.
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