

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.579 of 2017

Arising Out of PS. Case No.-56 Year-2006 Thana- BIHTA District- Patna

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Harishankar Prasad Pathak, S/o Late Saryu Prasad Pathak, Resident of
Village Bilap, P.S. Bihta, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Bibhutosh Pathak, S/o Rama Nath Pathak,
3. Maoj Kumar Pathak, S/o Bibutosh Pathak,
4. Dilip Kumar Pathak, S/o Shivesh Pathak.
5. Divesh Pathak, S/o Bibhutosh Pathak.
6. Rinku Pathak, S/o Bibhutosh Pathak.
7. Santosh Pathak, S/o Shivesh Pathak,
2 to 7 are Resident of Village Bilap, P.S. Bihta, District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. R. S. Roy, Sr. Adv . Mr. Binod Kumar Singh
For the Respondent/s	:	Mr. PRADEEP NARAIN KUMAR

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

Date : 08-08-2017

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

2. The petitioner is aggrieved by the judgment and order,
dated 10.03.2017, passed by the learned Judicial Magistrate, 1st
Class, Danapur, in Bihta Police Station Case No. 56 of 2006,
whereby he has recorded acquittal of Opposite Party Nos. 2 to 7,



for the offences punishable under Sections 143, 341, 323, 504 and 506 of the Indian Penal Code.

3. The petitioner is the informant of the concerned Bihta Police Station Case No. 56 of 2006, which gave rise to G. R. No. 360 of 2006, corresponding to T. R. Case No. 7687 of 2017.

4. Learned Senior Counsel appearing on behalf of the petitioner has submitted that the learned Court below, despite there being enough evidence adduced at the trial sufficient for recording conviction of the accused persons, has recorded acquittal, giving them undue benefit of doubt. He has submitted that the judgment and order impugned are perverse.

5. I have perused the impugned judgment and order. I find that the learned Court below has discussed the evidence adduced at the trial. It is not the case of the petitioner that the evidence of witnesses have been wrongly described by the learned Court below in his judgment and order. The learned Court below, after having noticed the fact that not even a single independent witness was produced to establish the charge and inconsistencies in the depositions of witnesses, has recorded acquittal.

6. It is settled principle of law that judgment of acquittal recorded by the learned Trial Court can be interfered with in revision only if the findings are perverse. The findings recorded by



the learned Trial Court can be said to be perverse if they are contrary to evidence or without any evidence. It has to be kept in mind that presumption of innocence of an accused stands strengthened with acquittal by the learned Trial Court on appreciation of evidence. Such finding of acquittal, therefore, can be interfered with only in case of perversity, which I do not find in the present case.

7. I do not find any merit in this application, which is accordingly dismissed.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

AFR/NAFR	NAFR
CAV DATE	N/A
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