

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.322 of 2011

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Ram Bachan Singh Yadav, Son of Late Hari Singh, Resident of
Bhagwatpur, Police Station Islampur, District-Nalanda

.... Petitioner/s

Versus

1. The State of Bihar
2. Ramesh Yadav, son of Late Gariban Yadav
3. Anil Yadav, son of Preman Yadav, both resident of village Bhagabatpur,
Police Station Islampur, District-Nalanda.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh

For the Respondent/s : Mr. Ahmad Ali(App)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH

ORAL JUDGMENT AND ORDER

3 07-07-2017

Heard learned counsel for the parties.

2. The petitioner is the informant of Islampur P. S. Case No. 66 of 2006. He is aggrieved by judgment and order, dated 03.02.2011, passed by the learned Third Additional Sessions Judge, Hilsa, Nalanda, in Sessions Trial No. 789 of 2006, whereby he has recorded acquittal of Opposite parties No. 2 and 3 of the offence punishable under Section 302 read with Section 34 of the Indian Penal Code. The said trial arises out of the said Islampur P. S. Case No. 66 of 2006.

3. The case of the prosecution in brief, is that on the alleged date of occurrence i.e., 04.05.2006, when the informant/petitioner and the family members were sleeping, in the late night miscreants entered into his house and killed his son by resorting to indiscriminate firing. The informant identified the miscreants as Opposite parties No. 2 and 3.



4. The police upon completion of investigation, submitted charge-sheet whereupon cognizance was taken and after framing of charge, since the accused persons denied their complicity, trial commenced.

5. Upon appreciation of evidence of prosecution witnesses and the documents adduced at the trial, learned trial Court has recorded acquittal holding that the prosecution could not establish the case beyond all shadows of reasonable doubt. What is noticeable from the impugned judgment and order is that the trial Court found material contradictions in the evidence of the witnesses. Having considered the contradictions and inconsistencies in the case of the prosecution, learned trial Court recorded acquittal.

6. It is settled law that in revision against acquittal, the Court's interference would be required only if the findings are perverse. The revisional Court is not required to re-appreciate the evidence and if two views are possible on the basis of evidence, the view which is favourable to an accused should be accepted.

7. I do not find that the findings recorded by the trial Court is perverse, require interference by this Court.

8. I do not find any merit in this application. This application is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

ArunKumar/-

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