

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (DB) No 326 of 2014

Arising Out of PS.Case No. -140 Year- 2005 Thana -JAGDISHPUR District- BHAGALPUR

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Md Ejaj, son of Md Raiyaz, resident of Village – Risalabag, PS – Habibpur, District - Bhagalpur

.... Appellant/s

Versus

- 1 The State Of Bihar
- 2 Md Moti, son of late Md Asaraf
- 3 Md Samsuddin @ Md Samsudin, son of Md Samo, residents of Sahjangi
- 4 Md Moin @ Md Moinuddin, son of late Md Manir, resident of Village – Mohiuddinpur
- 5 Md Phul, son of Md Irshad, resident of Village – Asraf Nagar
- 6 Md Mumtaj, son of Md Sarfudin, resident of Village – Sarafat Nagar
- 7 Md Daud, son of Md Santa
- 8 Md Yasin, son of Md Asraf
- 9 Md Tarique, son of Md Samsudin
- 10 Md Akhtar, son of Md Srwareti, residents of Sahjangi, PS – Habibpur, District - Bhagalpur

.... Respondent/s

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Appearance :

For the Appellant/s : M/s Jagannath Singh & P K Sinha, Advocates
For the State : Mr Ajay Mishra, APP

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CORAM: HON'BLE MR JUSTICE NAVANITI PRASAD SINGH

And

HON'BLE MR JUSTICE VIKASH JAIN

ORAL JUDGMENT

(Per: HONOURABLE MR JUSTICE NAVANITI PRASAD SINGH)

Date: 31-01-2017

This is an appeal against acquittal. It was originally filed as a criminal revision but when pointed out by the Court that now a substantive appeal is to be filed, it was converted into an appeal.

The private respondents, who were accused, were acquitted of the charge, inter alia, under Section 307 of Indian Penal Code. The appellant is the informant. He is not the victim in any



manner, as defined by Section 2 (wa) of the Code of Criminal Procedure as he is neither injured nor dependent nor guardian of any person who is injured or dead. Thus, the appeal itself is not maintainable.

Even otherwise, learned counsel has not been able to point out any perversity in the judgment. There is one injured person. Injury report referred to Md Ejaz who is PW 10. He does not claim to be injured. Then when the injury report is exhibited, it is shown that subsequently at the instance of the Investigating Officer, the name of the injured, as prepared by the doctor, is changed from Md Ejaz (PW 10) to Md Israfil @ Santu (PW 9). The Court takes this as one of the grounds for doubting the correctness or authenticity of the prosecution case apart from various other aspects that the Court has taken into account.

We see no reason to take a different view of the matter. This appeal is consequently dismissed.

(Navaniti Prasad Singh, J)

M.E.H./-

(Vikash Jain, J)

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