

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.1095 of 2016

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Asha Mandal, W/o Late Bimal Kumar, Resident of House No. 414, Dabua Colony, B Block, Faridabad, P.S. Dabua Colony, District-Faridabad.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Ram Kumar, Son of Deo Nandan Ram, Resident of Village-Nirpur, P.S.-Athmalgola, District-Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s :Mr. Ashok Kr. Kashyap, Adv.

For the Respondent/s :Mr. Bharat Bhushan, APP

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 10-01-2017 Heard the parties.

The petitioner is the mother-in-law of opposite party No. 2 and informant of Athmalgola P.S. Case No. 13 of 2008. She is aggrieved by judgment and order, dated 25.07.2016, passed by learned Additional Sessions Judge-II, Barh, Patna, in Cr. Appeal No. 2247 of 2014, whereby, he has up-set the judgment and order of conviction, dated 30.06.2014, recorded by the learned trial Court, i.e.,



learned Sub-Divisional Judicial Magistrate, Barh, in Trial No. 811 of 2014 (G.R. No. 95 of 2008).

Learned Sub-Divisional Judicial Magistrate, Barh, by his judgment and order, dated 30.06.2014, had convicted opposite party No. 2 of the offence punishable under Section 498A of the Indian Penal Code and sentenced him to undergo rigorous imprisonment for a period of one and half years. The appellate Court, however, noticing the contradictions in the evidence of the witnesses and re-appreciating the evidence available on the record, concluded that the charge of commission of offence, punishable under Section 498A of the Indian Penal Code, could not be said to have been proved beyond all reasonable doubt.

I have perused both the judgments and orders. If upon consideration of the evidence available on the record, learned appellate Court concluded that the charge could not be proved beyond all reasonable doubt, this Court, in criminal revisional jurisdiction, is not required to interfere unless the said conclusion is found to be suffering from perversity. It is long settled principle that if two views are possible, on the basis of evidence available on the record, the view in favour of the accused should prevail. In such circumstance, I do not find it to be a fit



case for interference in revisional jurisdiction, as I do not find any perversity in the impugned judgment and order passed by the learned appellate Court below.

This application is, accordingly, rejected.

(Chakradhari Sharan Singh, J)

Praveen-II/-

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