

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.546 of 2016

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1. Saguni Rai S/o Chulaho Rai, Resident of Village- Sarari, P.S.- Patori,
District- Samastipur.

2. null null null

.... Petitioner/s

Versus

1. The State of Bihar
2. Maheshi Rai S/o Late Nagdeo Rai
3. Indrajeet Rai S/o Late Shankar Rai
4. Ramakant Rai S/o Late Baleshwar Rai
5. Ram Naresh Rai S/o Late Baleshwar Rai
6. Sunil Rai S/o Late Shankar Rai All 2 to 6 resident of Village- Sarari,
P.S.- Patory, District- Samastipur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Sinha
For the Respondent/s : Mr. Shyam Kumar Singh,(App)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

3 31-01-2017 No one appears on behalf of the petitioner.

2. The present revision application has been listed under the heading “Orders” with office notes pointing out certain defects. Considering the nature of relief sought, I have thought it proper to dispose it of at this stage itself, ignoring the said defects.

3. The petitioner is aggrieved by an order dated 26.02.2016 passed in Sessions Trial No. 219 of 2011 arising out of Patory P.S. Case No. 114 of 2002 corresponding to G. R. No. 1169 of 2003, whereby Opposite party Nos. 2 to 6 have been acquitted of the charges levelled against them for the offences



punishable under Sections 147,148,323,324,307,379 and 504 of the Indian Penal Code and Section 27 of the Arms Act.

4. On perusal of the impugned order, I find that even the informant and the injured did not turn up for evidence at the trial, who would have been the best witnesses for the purpose of just decision of the case. The doctor has also not been examined at the trial.

5. Considering all these aspects, the Court below has recorded acquittal of the said Opposite parties.

6. No ground has been taken in the present application to the effect that the evidence of the witnesses has wrongly been described in the impugned order.

7. Judgment and order of acquittal can be interfered with in appeal or revision only if it is found that the finding is palpably wrong and perverse, contrary to evidence. Presumption of innocence of an accused at a trial stands strengthened with the recording of the acquittal by the trial Court. A finding of acquittal can be interfered only if it appears that the conviction of the person charged, would have been the only possible view on the basis of materials on record. Once the trial Court has recorded acquittal of the person charged of the offence, on the ground that other view is also possible, such finding cannot be disturbed.



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

(Chakradhari Sharan Singh, J)

ArunKumar/-

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