

IN THE HIGH COURT OF JUDICATURE AT PATNA**Criminal Appeal (DB) No.590 of 2017**

Arising Out of PS.Case No. -25 Year- 2002 Thana -BASANTPUR District- SIWAN

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Mahatam Singh son of Late Rambrid Singh R/o Village Mura P.S. Basantpur
District Siwan

.... Appellant/s

Versus

1. The State of Bihar
2. Ram Narain Singh S/o Rameshwar Singh
3. Hari Shankar Singh S/o Late Chhathu Singh
4. Shri Ram Singh S/o Late Chhathu Singh
All R/o Village Mura P.S. Basantpur District Siwan
5. Akhilesh Singh S/o Late Jgarnath Singh R/o Village Singholy P.S. Bhagwanpur
District Siwan

.... Respondent/s

Appearance :

For the Appellant/s : Mr. Udit Nr. Singh

For the Respondent no.1 : Mr. S.N.Prasad

For respondent nos.2 to 5 Mr. Ragho Prasad

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA

and**HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA****ORAL JUDGMENT****(Per: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA)****Date: 15-01-2018**

1. Heard learned counsel Sri Udit Narayan Singh
appearing for appellant-informant, learned counsel Sri Ragho
Prasad appearing for respondent nos.2 to 5 and Sri
S.N.Prasad, learned Addl. Public Prosecutor for respondent
no.1.

2. This criminal appeal has been preferred against
the judgment of acquittal dated 6.2.2017 passed by the Addl.
Sessions Judge V, Siwan in Sessions trial no. 217/2003



arising out of Basantpur P.S. case no. 25/2002 by which and whereunder he acquitted respondent nos.2 to 5 of the charges framed against them under sections 341, 323, 307 and 324/34 of the Indian Penal Code. I.A. no. 2014/2017 has been filed on behalf of the appellant under section 378(3) of the Cr.P.C seeking grant of leave to file this appeal.

3. It would appear that on the fardbeyan of appellant, Basantpur P.S. case no. 25/2002 was registered against respondent nos.2 to 5 and accordingly, they were put on trial before the court below for the offences punishable under sections 341, 323, 307 and 324/34 of the Indian Penal Code and to prove the charges, prosecution examined witnesses and also got exhibited certain documents. The learned court below, having marshaled and analyzed the evidences available on record, doubted the credibility of the prosecution witnesses and accordingly, passed the judgment of acquittal. The learned court below basically doubted the case of the prosecution on the ground that FIR was lodged after four days of the alleged occurrence and also on the ground that there were several contradictions in the testimonies of the prosecution witnesses.

4. Learned counsel appearing for the appellant,



although tried to convince to this court about illegality or irregularity committed by the learned court below while passing judgment of acquittal but we do not find any substance in the submissions advanced on behalf of the appellant.

5. From perusal of the impugned judgment of acquittal, we find that the learned court below has well discussed the evidences and came to the conclusion and there is no scope to interfere into the finding of the court below. Accordingly, this appeal along with I.A. no. 2014/2017 stand dismissed on admission stage itself.

(Hemant Kumar Srivastava, J)

Shahid/-

(Rajendra Kumar Mishra, J)

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.1.2018
Transmission Date	NA

