

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (DB) No.1007 of 2017

Arising Out of PS.Case No. -39 Year- 2015 Thana -MAHILA P.S. District- KISANGANJ

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Praweena Begum @ Praveena, D/o Enamul Haque, R/o Machhabari, P.S.- Pothia,
District- Kishanganj.

.... Appellant/s

Versus

1. The State of Bihar.
2. Noor Jamal, Son of Gul Mohammad.
3. Mahinoor, W/o Mannan,
4. Ruhani Khatoon, W/o Mumtaz Naiyer,
5. Shamima, W/o Jamruddin,
6. Jamarul, Son of Samsuddin,
7. Mannan, Son of Gul Mohammad,
8. Mumtaz Naiyer, Son of Gul Mohammad, No. 2 To 8 Residents of machhabari,
P.S.- Pothia, District- Kishanganj, (No. 2 to 8 are accused).

.... Respondent/s

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Appearance :

For the Appellant	:	Mr. Dilip Kumar Sinha, Advocate.
For the Respondents	:	Mr. Abdul Mannan Khan, Advocate. Mr. Binay Kumar, Advocate.
For the State	:	Ms. S.B. Verma, A.P.P.

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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: 21-02-2018

1. Heard learned counsel for the appellant, learned
counsel appearing for the respondent nos. 2 to 8 and also learned
A.P.P. for the State.

2. The appellant has challenged the impugned Judgment
of acquittal dated 23.12.2016 passed in Sessions Trial No. 24 of 2016,
by which and whereudner, respondent nos. 2 to 8 were acquitted of



the charges framed against them.

3. The appellant lodged Kishanganj Mahila P.S. Case No. 39 of 2015 against the respondent nos. 2 to 8 for the offence punishable under Sections 376 and other minor Sections of the Indian Penal Code and claimed that she was raped on 24.05.2015 by respondent no. 2, Noor Jamal, and subsequently, respondent no. 2 committed rape on several occasions on her on the promise of marriage, but, later on, he refused to perform his marriage with the appellant.

4. The respondent no. 2 was charged for the offence punishable under Section 376 of the Indian Penal Code, whereas remaining respondents were charged for the offence punishable under Section 323/34 of the Indian Penal Code. In course of trial, altogether, eight prosecution witnesses were examined and some documents were also exhibited. The learned trial court having scrutinized the evidences available on the record acquitted the respondent nos. 2 to 8 holding that prosecution failed to prove its case beyond all shadow of reasonable doubts.

5. We went through the impugned Judgment of acquittal and find that the learned trial Judge has discussed all the evidences and passed the well thought Judgment, therefore, we do not find any ground to interfere into the impugned Judgment of acquittal.



6. Accordingly, this criminal appeal stands dismissed on admission stage itself and the limitation petition as well as leave petition stands dismissed.

(Hemant Kumar Srivastava, J)

(Rajendra Kumar Mishra, J)

Bhardwaj/-

AFR/NAFR	
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