

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (DB) No.1480 of 2017

Arising Out of PS. Case No.-46 Year-2008 Thana- SIKTI District- Araria

Nirmala Devi, wife of Chhanguriya Sada @ Prasad Sada, resident of village – Khasikhova, P.S. Sikti, District-Araria.

... .. Appellant

Versus

1. The State Of Bihar Through The Superintendent Of Police, Araria.
 2. Md. Naushad Alam, son of Jullu Rahaman,
 3. Khoshabur Raham, son of Jullu Rahaman,
 4. Amanat Ali, son of Jullu Rahaman,
 5. Md. Manjur, son of Jullu Rahaman,
 6. Md. Bholu, son of Jullu Rahaman,
 7. Md. Kullu Mistri, son of Jullu Rahaman,
 8. Md. Makbul, son of Noor Hassan,
 9. Md. Gaffur, son of Noor Hassan,
 10. Md. Sakur, son of Noor Hassan,
- O.P. Nos. 2 to 7 are resident of village-Khora Ganchhi, P.S. Sikti, District-Araria and O.P. Nos. 8 to 10 are resident of village-Khasshi Khauwa, P.S. Sikti, District-Araria.

... .. Respondents

Appearance :

For the Appellant/s : Mr. Sanjay Kumar Sharma
For the Respondent/s : Mr. BINAY KRISHNA

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA

And

HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA)

6 20-03-2018

Ref: I.A. No. 593 of 2018

Ref: I.A. No. 594 of 2018

Heard learned counsel appearing for Appellant as well as learned Addl. Public Prosecutor for the State on I.A. No. 593 of 2018 & I.A. No. 594 of 2018 as well as on the point of admission.



The Appellant has preferred this Criminal Appeal against the Judgment of acquittal dated 16.05.2017 passed by the 1st Addl. Sessions Judge-cum-Special Judge, SC/ST (Prevention of Atrocities) Act, in Sessions Trial No. 699 of 2009 by which and whereunder, he acquitted the Respondent Nos. 2 to 10 of the charges framed against them for the offences punishable under Sections 341, 323, 504 & 436/34 of I.P.C. and Sections 3(1)(x) (xi), 3(2)(iv) of the SC/ST (Prevention of Atrocities) Act.

Learned counsel for the Appellant submits that due to laches of prosecution, the Investigating Officer and Doctor could not be examined before the Court. He further submits that the injury reports and X-Ray reports of the injured were on the record, but the learned trial Court failed to get the aforesaid documents exhibited under Section 311 of the Cr.P.C. He further submits that it is a serious case in which several persons were assaulted by the Respondent Nos. 2 to 10 and also the house of Appellant was set on fire and, furthermore, she was humiliated by the Respondent Nos. 2 to 10 calling her caste's name, but from perusal of impugned Judgment, we find that only three witnesses were examined by the prosecution and learned Court below took note of this fact that there was land dispute between the parties and, therefore, we do not find any ground to interfere



into the impugned Judgment of acquittal.

Accordingly, I.A. No. 593 of 2018 and I.A. No. 594 of 2018 as well as this Criminal Appeal stand dismissed on admission stage itself.

(Hemant Kumar Srivastava, J)

(Rajendra Kumar Mishra, J)

manish/-

U		T	
---	--	---	--

