

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (DB) No.6 of 2018

Arising Out of PS.Case No. -19 Year- 2005 Thana -JANDAHA District- VAISHALI(HAJIPUR)

Binod Rai @ Vinod Rai

.... Appellant/s

Versus

The State of Bihar & Ors

.... Respondent/s

Appearance :

For the Appellant/s : Mr. Lakshmindra Kumar Yadav

For the Respondent/s : Mr. Sri Zeyaul Hoda

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA

and

HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA)

4 12-03-2018 Heard learned counsel for the appellant as well as learned Additional Public Prosecutor on the point of admission as well as I.A. No.290 of 2018 which has been filed under Section 378(3) of Cr.P.C.

This appeal has been preferred against Judgment of acquittal dated 03.08.2017 passed by Additional Sessions Judge-VIII, Hajipur, Vaishali, in Sessions Trial No.79 of 2006 + 366 of 2006 + 523 of 2007 by which and whereunder he acquitted the respondents of the charges framed against them.

The perusal of the impugned judgment goes to show that injured witnesses were not examined by the prosecution nor any injury reports were placed in evidence. Further more, the



impugned judgment goes to show that neither doctor nor I.O. was examined on behalf of the prosecution.

Submission on behalf of the appellant is that the learned court below did not give any notice to injured witnesses and that was a reason the injured witnesses could not appear before the trial court but we do not find any substance in the aforesaid submission because it is evident from the perusal of the impugned judgment that the charge was framed in the year 2008 and the judgment was pronounced in the year 2017, i.e., after nine years of framing of charge but even then the prosecution failed to produce the injured witnesses.

We do not find any illegality or perversity in the impugned judgment. Accordingly, this Cr.Appeal stands dismissed on the admission stage itself.

(Hemant Kumar Srivastava, J)

(Rajendra Kumar Mishra, J)

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