

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.1027 of 2018

Arising Out of PS.Case No. -null Year- null Thana -null District- PATNA

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Kapil Paswan son of Nanhak Paswan resident of Village - Choti Nawada, P.O. +
P.S. Khushrupur, Dist - Patna.

.... Petitioner

Versus

The State of Bihar.

.... Respondent

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Appearance :
For the Petitioner/s : Mr. Abhishek with Mr. Arvind Kr. Pandey
Advocates
For the Respondent/s : Mr. Arbind Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA

ORAL JUDGMENT

Date: 17-09-2018

This revision application has been filed against the judgment dated 18.5.2018 passed by Additional District and Sessions Judge-VI, Patna City, Patna in Cr.Appeal No. 24 of 2016 along with Cr.Appeal Nos. 24/16, 30/16 & 35/16 by which learned appellate court has dismissed the appeal filed by the petitioner and affirmed the judgment dated 9.2.2016 passed by Additional Chief Judicial Magistrate, Patna City, in G.R.No. 1024 of 1988, T.R.No. 9 of 2016 whereby and whereunder the petitioner and others were convicted under Sections 365 and 386 of the Indian Penal Code and sentenced to undergo simple imprisonment for three years and fine of Rs.3000/- for the offence under Section 365 IPC and further sentenced to undergo simple imprisonment for three years and fine of Rs.2500/- for the offence under Section 386 IPC and both the sentences were directed to run concurrently.

2. Petitioner has challenged both the judgments of the trial court as well as appellate court on the ground that there is absolutely



nothing against the petitioner except that he threw something at the door of informant and as such the aforesaid judgments be set aside so far the petitioner is concerned.

3. On the other hand, learned APP has supported both the impugned judgments. However, he could not point out any material against the petitioner except that he threw something at the door of the informant.

4. Having heard both sides and from perusal of the impugned judgments it appears that there is absolutely no evidence against the petitioner except that he threw something at the door of the informant and the same creates suspicion and it is well established that suspicion howsoever strong, that cannot be taken place as legal evidence.

5. In such view of the matter, both the impugned judgments of trial court as well as appellate court so far this petitioner is concerned, are not sustainable in the eye of law.

6. The revision application is allowed. The impugned judgments of trial court as well as appellate court so far petitioner is concerned, are set aside.

(Vinod Kumar Sinha, J)

spa/-

AFR/NAFR	
CAV DATE	
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