

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (DB) No.165 of 2018

Arising Out of PS.Case No. -109 Year- 2001 Thana -BARH District- PATNA

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Ram Chandra Prasad @ Ram Uchit Prasad, S/o Late Ram Swaroop Prasad @ Ram Swaroop Rai, R/o Village- Gopekita, P.S.- Pandarakh, District- Patna.

.... Appellant

Versus

1. The State of Bihar.
2. Ram Pravesh Yadav, S/o Jugeshwar Yadav
3. Uday Yadav, S/o Ram Pravesh Yadav
4. Bablu Kumar, S/o Ram Pravesh Yadav
5. Jugeshwar Singh @ Jugeshwar Yadav, S/o Late Deep Lal Yadav, R/o Gulabbagh, P.S.- Barh, District- Patna.

.... Respondents

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Appearance :

For the Appellant/s	:	Mr. Dinesh Jha, Adv.
For the Informant	:	Mr. Vikramdeo Kumar Singh, Adv. Mr. Manoj Kumar Pandey, Adv.
For the State	:	Mrs. 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: 06-09-2018

We heard learned counsel appearing for the appellant as well as learned counsel appearing for private respondents on the point of admission as well as on I.A. No. 1343 of 2018, which has been filed by the appellant under Section 378(3) of the Criminal Procedure Code. Also heard learned Additional Public Prosecutor for the State.

The appellant is informant of Barh P.S. Case No. 109 of 2001 and is aggrieved by the judgment of acquittal dated 16.11.2017



passed by learned Additional Sessions Judge, 2nd Barh in Sessions Trial No. 192 of 2002/ 954 of 2003 by which and whereunder, the learned trial court acquitted the private respondents no. 2 to 5 of the charges framed under Section 364/34 of the Indian Penal Code.

Learned counsel appearing for the appellant submits that the learned trial court has not appreciated the evidences in right perspective and as a matter of fact, acquitted the private respondents no. 2 to 5 only on the ground of minor contradictions occurred in the depositions of prosecution witnesses. He further submits that the prosecution proved its case beyond all shadow of reasonable doubts but even then the learned trial court passed the judgment of acquittal.

On the other hand, learned counsel appearing for private respondents no. 2 to 5 supported the impugned judgment of acquittal arguing that the learned trial court has given strong reasons for acquittal of the respondents no. 2 to 5. He submits that the learned trial court doubted the prosecution case on the ground of delay in lodging the case as well as taking note of conduct of the victim and moreover, it was not the case of Section 364 of the Indian Penal Code as the victim stated in his evidence that his signature was forcibly taken by his kidnappers on papers and subsequently, having got opportunity he eluded from the clutches of his kidnappers.

Having heard the contentions of both the parties, we went



through the record along with lower court’s record. We find that the learned trial court has discussed each and every evidence available on the record and furthermore, we find that the learned trial court has given strong reasons for doubting the prosecution case. It is well settled principle of law that in the cases of acquittal, the appellate court cannot impose its own view unless the view expressed by the trial court is perverse. In the present case, we do not find any perversity in the findings of the learned trial court and, therefore, we are of the view that there is no scope to interfere into the impugned judgment of acquittal. Accordingly, this appeal along with I.A. No. 1343 of 2018 stands dismissed on admission stage itself.

(Hemant Kumar Srivastava, J)

(Rajendra Kumar Mishra, J)

SHAHZAD/-Abhijeet

AFR/NAFR	NAFR
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