

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (DB) No.595 of 2018

Arising Out of PS.Case No. -156 Year- 2016 Thana -CHHATAPUR District- SUPAUL

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Lal Mohamad

.... Appellant/s

Versus

The State of Bihar & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Uday Shankar Choudhary

For the Respondent/s : Mr. Sri Satya Narayan Prasad

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA

and

HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA)

5 13-07-2018 Heard learned counsel for the appellant as well as learned Additional Public Prosecutor for the State on the point of admission and, in our opinion, this appeal can be disposed of, on admission stage itself.

The appellant has challenged the impugned judgment of acquittal dated 05.04.2018 passed by Presiding Officer, Fast Track Court - II, Supaul, in Chatapur P. S. Case No. 156 of 2016, by which and whereunder the learned trial Court acquitted the respondent nos. 2 to 9 of the charges framed under Section 302 and other minor sections of the Indian Penal Code.

The son of the appellant went missing on 31.05.2016 and he lodged a report before Chatapur Police Station on



01.06.2016 and on the basis of his report, Chatapur P. S. Case No. 156 of 2016 was registered against unknown persons.

In course of investigation, the appellant claimed that he came to know from PW-3, namely, Md. Sirajuddin and PW-4, namely, Md. Murtaza, that the deceased was taken away by the respondent nos. 2 and 9. However, after investigation, police submitted charge-sheet. The respondent nos. 2 to 9 were put on trial after commitment and stood charged for the offences punishable under Sections 302, 120(B), 34 of the Indian Penal Code. In course of trial, prosecution examined several witnesses including PW-3 and PW-4. Para 14 of impugned judgment goes to show that the learned trial Court has dealt with the evidence of PW-3 and noticed that PW-3 admitted that after missing of son of the appellant, he had not talked to the appellant nor visited the house of the appellant. The learned trial court also dealt with the evidence of PW-4 vide para 15 of the impugned judgment and noticed that PW-4 stated in his deposition that he had heard the name of respondent nos. 2 to 9 from PW-3 and PW-2. Similarly, the deposition of PW-2 has been dealt with by the trial court vide Para- 16 of the impugned judgment and the trial court noticed that the PW-2 admitted in his deposition that after missing of son of the appellant, he had not met with the appellant. The learned trial



court after considering the deposition of aforesaid witnesses as well as other witnesses came to the conclusion that prosecution failed to prove the charges levelled against the respondent nos. 2 to 9. We find that the learned trial court has very well discussed the evidences available on the record and there is no need to interfere into the findings of the learned trial court.

Accordingly, this criminal appeal stands dismissed on admission stage itself.

(Hemant Kumar Srivastava, J)

N.K/-

(Rajendra Kumar Mishra, J)

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