

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (DB) No.751 of 2018

Arising Out of PS. Case No.-818 Year-2008 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

.....

{Against the Judgment of acquittal dated 13.04.2018 passed by the learned 2nd
Additional Sessions Judge, Bhagalpur, in Sessions Trial No.109 of 2010}.

Reshama Pravin, daughter of Md. Ali, resident of Mohalla-Baraahpura, P.S.
Ishakchak (Tilkamanjhi), District-Bhagalpur.

... .. Appellant.

Versus

1. The State of Bihar.
 2. Md. Salim alias Samim Akhtar, son of Late Md. Sanif alias Hanif.
 3. Bibi Saiyada Khatoon, wife of Late Md. Nizam, daughter of Late Md.
Hanif alias Sanif.
 4. Md. Raju.
 5. Md. Salam.
- All are sons of Late Md. Sanif alias Hanif and all are resident of village-
Mahgama, P.S. Rajoun, District-Banka.

... .. Respondents.

Appearance :

For the Appellant : Mr. Anupa Nand Jha, Advocate.
For the State : Ms. Shashi Bala Verma, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**
and
**HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**
ORAL JUDGMENT
**(Per: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA)**

Date : 14-09-2018

Heard learned counsel appearing for the appellant on
the point of admission as well as I.A. No.1818 of 2018, which
has been filed on behalf of the appellant under Section 378(3) of
the Code of Criminal Procedure.

2. The appellant happens to be the sister of



deceased and she comes under the purview of the victim and, hence, she is permitted to pursue this criminal appeal. Accordingly, I.A. No. 1818 of 2018 stands disposed of.

3. The appellant has preferred this criminal appeal against the Judgment of acquittal dated 13.04.2018 passed by the learned 2nd Additional Sessions Judge, Bhagalpur, in Sessions Trial No.109 of 2010, by which and whereunder he acquitted the respondents no.2 to 5 from the charges framed against them for the offences punishable under Sections 302/34, 201/34 and 120(B) of the Indian Penal Code.

4. Admittedly, respondent no.3 is the wife of the deceased, whereas the remaining respondents are in-laws of the deceased.

5. The informant Shahzadi Khatoon, the mother of the deceased, claimed that her son, namely, Md. Nizam, got compassionate appointment after the death of her husband and the marriage of Md. Nizam was solemnized with the respondent no.3 in the year 1997 but, later on, the relation of the deceased with his wife (respondent no.3) became strained, as a result of which a case for the offence under Section 498(A) of the Indian Penal Code was filed and the deceased as well as the respondent no.3 started residing separately. However, the respondents no.2



to 5 used to threaten the deceased to part his salary with the respondent no.3. Further, the informant claimed that on 12.12.2008, her daughter got a telephonic message that the deceased was lying dead in his Government Quarter, situated at Sadar Hospital, Bhagalpur, and having got the aforesaid information, she along with her daughter went to the quarter of the deceased and found his dead body hanging from ceiling fan.

6. The police after institution and investigation of Kotwali (Tilkamanjhi) P.S. Case No.818 of 2008 submitted charge-sheet against the respondents no.2 to 5 and, accordingly, respondents no.2 to 5 were put on trial after cognizance and commitment. In course of trial, the prosecution witnesses were examined and the post-mortem report of the deceased was proved. The doctor, who had conducted the post-mortem of the deceased, found some injuries on the person of the deceased. However, not a single prosecution witness claimed to have seen the actual killing of the deceased and the prosecution sought the conviction of the respondents no.2 to 5 only on the ground of pre-litigation and the allegation of threatening but the learned trial court refused to convict the respondents no.2 to 5 on the basis of the aforesaid circumstances.

7. Learned counsel appearing for the appellant



submits that the prosecution succeeded to bring the strong circumstantial evidence against the respondents no.2 to 5 to show their guilt but the learned trial court wrongly refused to convict the respondents no.2 to 5 on the basis of the above stated circumstances but we are not, at all, convinced with the above stated submissions of the learned counsel appearing for the appellant and, in our view, the learned trial court has passed a well discussed and well thought Judgment, which does not require any interference by this Court.

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

(Hemant Kumar Srivastava, J)

(Rajendra Kumar Mishra, J)

Pradeep Srivastava/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.09.2018.
Transmission Date	24.09.2018.

