

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (DB) No. 180 of 2018

Arising Out of PS.Case No. -201 Year- 2013 Thana -MAJORGANJ District- SITAMARHI

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Devendra Singh S/o Late Ramdeep Singh, R/o Village- Narkatiya, P.S.- Majerganj,
District- Sitamarhi.

.... Appellant

Versus

1. The State of Bihar.
2. Kumari Devi W/o Shri Narendra Singh, R/o Village- Narkatiya, P.S.- Majerganj,
District- Sitamarhi.

.... Respondents

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Appearance :

For the Appellant/s : Mr.

For the Respondent/s : Mr.

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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: 22-03-2018

Heard learned counsel for the appellant as well as learned
Additional Public Prosecutor for the State on the point of admission as well
as on I.A. No. 755 of 2018 which has been filed under Section 378(3) of the
Cr.P.C. for grant of leave to file this criminal appeal.

The appellant is aggrieved by the impugned judgment dated
31.10.2017 passed in Sessions Trial No. 290 of 2014/238 of 2017 by which
and whereunder respondent no. 2 was acquitted of the charges whereas
some other accused who happened to be family members of respondent no.
2 were convicted for the offence punishable under Section 302 of the Indian
Penal Code and Section 27 of the Arms Act.



The contention on behalf of the appellant is that respondent no. 2 was very much named in the F.I.R. with allegation that she instigated the others to kill the deceased and on her instigation, the occurrence took place. He further submits that witnesses made consistent statements regarding the involvement of the respondent no. 2 in the alleged crime but even then the learned trial court acquitted the respondent no. 2 only on the basis of surmises and conjectures.

From perusal of para-23 of the impugned judgment, we find that learned trial court discussed all the pros and cons of the case and acquitted the respondent no. 2 giving benefit of doubt to her and we do not find any perversity in the finding of learned trial court. Accordingly, in our view, this appeal does not have any force.

Thus, on the basis of aforesaid discussions, this criminal appeal as well as I.A. No. 755 of 2018 stands dismissed on admission stage itself.

(Hemant Kumar Srivastava, J)

(Rajendra Kumar Mishra, J)

SHAHZAD/-

AFR/NAFR	NAFR
CAV DATE	N.A.
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