

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.360 of 2015

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1. Champa Devi W/o Late Bhajan Mahto Resident of Mohalla Nai Bazar,
Sherghati, P.S. Sherghati, District Gaya.

.... Petitioner

Versus

1. The State of Bihar.
2. Ramesh Manjhi S/o Lakhan Manjhi
3. Bholu Das S/o Late Guha Das
4. Kapil Bhuian S/o Mukhia Bhuian @ Ganesh Manjhi All Resident of Mohalla Nai
Bazar, Bhuian Toli Sherghati, P.S. Sherghati, District Gaya.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Rajni Kant Singh, Adv.
For the Respondent/s : Mr. Shardanand Jha, APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT
Date: 04-09-2018

By way of the present revision application, the petitioner seeks to set aside the judgment dated 18.03.2015 passed by Adhoc Additional Sessions Judge –I, Gaya, in Session Trial No. 682/2007 (263/2000), whereby, he has acquitted opposite party nos. 2 to 4 from the charge levelled against them.

2. Learned counsel for the petitioner has submitted that the trial court has committed an error on the face of record as there is consistent evidence of PW1, PW2 and PW3 that they had seen the victim boy going along with the accused persons and learned Trial Court in spite of appreciating the said facts has acquitted the opposite



party nos. 2 to 4 only on the ground that there is no independent witness to support the case of prosecution and also on the ground that there is delay in lodging of F.I.R.

3. Per contra, counsel for the State as well as for opposite party nos. 2 to 4 has stated that except the theory of last seen, there was absolutely nothing against the opposite party nos. 2 to 4 and the evidence of Investigating Officer shows that boy was handed over to Champa Devi, which is evident from the page – 8 of impugned judgment, as such, there is no illegality in the impugned judgment, moreover, the case is of the year 2005.

4. Having heard both sides, considering the facts and circumstances as well as the evidence available on record, I do not find any illegality or error on the face of the record in the judgment of Trial Court.

5. Accordingly, this application has no merit and the same is accordingly dismissed.

(Vinod Kumar Sinha, J)

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