

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.335 of 2015

Arising Out of PS.Case No. -null Year- null Thana -null District- KHAGARIA

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Md. Ahsan Son of Late Shekh Khursid Ali Resident of Village and Post - Marar,
Police Station - Morkahi, District - Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Md. Moheed
3. Md. Wahidullah
4. Md. Juber
5. Md. Suber
6. Md. Yunus
7. Md. Munis All Sons of Late Md. Sobarati
8. Md. Atabul
9. Md. Jaseem Both Sons of Md. Saqoor
10. Md. Moseemuddin Kadari son of Late Md. Sageer All residents of Village
Rasonk, P.S. Morkahi, District - Khagaria.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bipin Bihari Singh

For the Respondent/s : Ms. Veena Rani Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

Date: 23-01-2018

The petitioner is aggrieved by the judgment dated 03.09.2014 passed by learned 2nd Additional Sessions Judge, Khagaria in Cr. Appeal No. 16 of 2014, whereby the judgment and order of conviction passed by the learned Trial Court viz. Sub-Divisional Judicial Magistrate, Khagaria in Complaint Case No. 157C of 2000 has been set aside and the respondent Nos. 2 to 10 have been acquitted of all the charges.

2. On the complaint of the petitioner, respondent Nos. 2 to 10 were put on trial for the offence under Section 379 of the



Indian Penal Court and were convicted to undergo simple imprisonment for two years and fine of Rs. 4000/- each and in default of payment of fine, to further suffer simple imprisonment for two months each. The aforesaid judgment and order of conviction was challenged by the respondent Nos. 2 to 10 vide Cr. Appeal No. 16 of 2014.

3. The Appellate Court, vide judgment dated 03.09.2014 found that the occurrence had taken place on the land falling in Mauza-Rasonk, Khata No. 163, Khesra No. 1872 (area of 01 Bigha 15 katha and 06 dhur) which actually belonged to respondent Nos. 2 to 10. The Appellate Court took note of Exhibit-A, which is the certified copy of the judgment passed in T.A. No. 15 of 2006 dated 30.04.2012 which was decided in favour of the respondent No. 3, Md. Wahidullah, son of Sobrati against Bibi Sehara Bano @ Ruma and others.

4. A bona fide land dispute was found to be existing between the parties and the Title Appeal was decided in favour of respondent No. 5. As such, the Appellate Court was of the view that no offence under Section 379 of the Indian Penal Code can at all be said to have been made out against the respondents. The judgment and order of conviction by the Trial Court was, therefore, set aside.



5. No good ground has been made out by the petitioner for this Court to interfere with the Appellate judgment and order of acquittal.

6. The petition is, therefore, dismissed.

(Ashutosh Kumar, J)

Shageer/-

AFR/NAFR	NAFR
CAV DATE	NA
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