

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (DB) No.1177 of 2017

(Against the Judgment of Acquittal dated 25.07.2017 passed in Sessions Trial No.302 of 2004 by the Fast Track Court-I, Bhojpur, Ara).

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Prabhawati Kuer, W/o Late Shivpujan Verma, R/o Village- Burhwal, P.S.- Jagdishpur, District- Bhojpur, Ara.

.... Appellant.

Versus

1. The State of Bihar,
 2. Dudhnath Singh, Son of Late Harihar Singh.
 3. Dadan Singh, Son of Dudhnath Singh.
- Both R/o Village- Burhwal, P.S.- Jagdishpur, District- Bhojpur, Ara.

.... Respondents.

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Appearance :

For the Appellant : Mr. Rajiva Ranjan, Advocate.
For the State : Mr. Abhimanyu Sharma, A.P.P.
For the Respondent Nos.2 & 3 : Mr. Sada Nand Roy, Advocate.

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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: 15-02-2018

Heard learned counsel for the appellant, learned counsel appearing for the respondent nos.2 and 3 and learned Additional Public Prosecutor for the State.

2. The appellant has preferred this Criminal appeal against the Judgment of Acquittal dated 25.07.2017 passed in Sessions Trial No.302 of 2004 by the Fast Track Court-I, Bhojpur, Ara.

3. The appellant has also filed I.A. No.2101 of 2017 for grant of leave to file this criminal appeal.



4. We perused the impugned Judgment and find that Jagdishpur P.S. Case No.70 of 2000 was registered under Sections 395 and 364-A of the Indian Penal Code against unknown persons. In course of investigation, the statements of P.Ws.1 and 2, under Section 164 of the Code of the Criminal Procedure, were recorded and in that statements, the name of the respondent nos.2 and 3 surfaced. However, in course of trial, the so-called eye witness, i.e., P.W.3, was examined and claimed that he had seen the respondent nos.2 and 3, carrying the victim boy but when the attention of the Investigating Officer was drawn towards the statement of P.W.3, recorded under Section 161 of the Code of the Criminal Procedure, the Investigating Officer admitted that P.W.3 had not claimed to have seen the respondent nos.2 and 3. Moreover, we find that the learned trial court has passed a well discussed Judgment and there is no scope to interfere into the impugned Judgment.

5. Accordingly, this Criminal Appeal as well as I.A. No.2101 of 2017 stands dismissed in the admission stage itself.

(Hemant Kumar Srivastava, J)

(Rajendra Kumar Mishra, J)

Pradeep Srivastava/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.02.2018.
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