

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.497 of 2015

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1. RAMESH PRAJAPATI @ RAMEBH PRAJAPATI Son of katwash
Prajapati Resident of Village- Kaimur at Bhabua

.... Petitioner/s

Versus

1. The State of Bihar
2. Surendra Singh Son of late Shobhanath Singh
3. Girija Singh Son of late Shobhanath Singh
4. Sanjay kumar Singh Son of Giraja Singh
5. Ranjan Singh@Mantu Singh Son of Girija Singh All respondent no. 2 to
5 are resident of Village Arra, P.s Mohania, District Kaimur at Bhabau.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajani Kant Pandey

For the Respondent/s : Mr. Dr.Ajit Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

9 04-09-2018 This revision application has been preferred against the judgment and order of acquittal dated 28.1.2015 passed by Shri Sri Niwas Singh, Addl. Sessions Judge-I, Kaimur at Bhabhua in Sessions Trial No.86 of 2008/10 of 2012, by which he has acquitted petitioner from the charges levelled against them.

Submission of the learned counsel for the petitioner is that the learned trial court has erroneously come to the conclusion that there is nothing against him as there is delay in lodging the case and further the petitioner only was last seen and the deceased was recovered in injured condition next day, as such this is a case of error committed by the learned trial court and on this ground he has moved against the acquittal.



Heard learned A.P.P. and the learned counsel for the O.P.no.2. They have submitted that no illegality and error apparent on the face of record have been committed in the judgment of the trial court as the trial court has found that except last seen there absolutely nothing against the petitioner and moreover the deceased was recovered in injured condition and later on after four days he died but in spite of that petitioner was not named by the deceased. As such I find no illegality or error apparent on the face of record in the impugned order.

In view of the facts and circumstances as stated above, I find no merit in the revision application. Hence, this application is dismissed.

(Vinod Kumar Sinha, J)

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