

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (DB) No.1444 of 2017

Arising Out of PS.Case No. -295 Year- 2015 Thana -SUGAULI District-
EASTCHAMPARAN(MOTIHARI)

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1. Ruplal Rai son of Sri Gagandeo Rai
2. Shambhu Sahani son of Late Bhangi Sahani
Both resident of village Sapaha P.S. Sugauli Dist. East Champaran
.... Appellant/s

Versus

The State of Bihar & Ors
.... Respondent/s

Appearance :

For the Appellant/s : Mr. Umesh Chandra Verma
For the Respondent/s : Mr. Shivesh Chandra Mishra

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
and
HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA)

6 22-03-2018 1. Heard learned counsel for the appellants as well as learned Addl. Public Prosecutor for the State on the point of admission as well as on I.A. no. 740/2018 which has been filed under section 378(3) of the Cr.P.C for grant of leave to file this criminal appeal.

2. Appellants being witnesses of Sugauli P.S. Case no. 295/2015 corresponding to Sessions trial no. 1012/2016 are aggrieved by the judgment of acquittal dated 19.9.2017 passed by the Addl. Sessions Judge XII, East Champaran at Motihari in the above stated Sessions trial no. 1012/2016 on the ground that they were not given proper opportunity by the trial court to



depose in the above stated Sessions trial no. 1012/2016.

3. From perusal of the impugned judgment, we find that the informant including family members of the deceased have not supported the prosecution case and they were declared hostile. Moreover, appellants do not come under the purview of the victims and proviso of section 372 of the Cr.P.C says that only victim shall have a right to file an appeal against any order passed by the court acquitting the accused or convicting for a lesser offence or imposing inadequate compensation. Therefore, in our view, appellants have no right to carry this criminal appeal.

4. Accordingly, on the basis of the aforesaid discussions, this appeal along with I.A. no. 740/2018 stand dismissed on admission stage itself.

(Hemant Kumar Srivastava, J)

(Rajendra Kumar Mishra, J)

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