

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (DB) No.1421 of 2017

Arising Out of PS. Case No.-278 Year-2014 Thana- KISHANGANJ District- Kishanganj

Taranum Ara, D/o Tauhid Alam, Resident of Village-Tengarmari Salki, P.S.
and District-Kishanganj.

... .. Appellant

Versus

1. The State of Bihar
2. Munazir S/o Matiur Rehman Resident of Village-Tengarmari Salki, P.S. and District-Kishanganj.

... .. Respondents

Appearance :

For the Appellant/s : Mr. Md. Shahnawaz Ali
For the Respondent/s : Mr. DILIP KUMAR SINHA

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

And

HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

**(Per: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA)**

6 20-03-2018

Ref:-I.A. No. 2773 of 2017

Heard learned counsel for the Appellant as well as learned Addl. Public Prosecutor for the State on the point of admission as well as I.A. No. 2773 of 2017, which has been filed under Section 378(3) of the Code of Criminal Procedure.

The grievance of the appellant is that she was minor at the time of alleged occurrence of rape, but in spite of that the learned Court below acquitted the Respondent No.2 of the charge framed against him under Section 376 of the Indian Penal Code, but from perusal of the impugned Judgment, we



find that the learned Court below has passed a well discussed and well thought Judgment and furthermore, we find that the prosecution could not succeed to prove the age of the Appellant before the Court below as no Medical Examination Report was brought on the record. Therefore, we do not find any ground to interfere into the impugned Judgment of acquittal, accordingly, this Criminal Appeal as well as I.A. No. 2773 of 2017 stand dismissed on admission stage itself.

(Hemant Kumar Srivastava, J)

(Rajendra Kumar Mishra, J)

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