

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

CRIMINAL APPEAL No.213 OF 2011

ORDER:

This Criminal Appeal is filed by the appellant/State, challenging the judgment, dated 05.02.2008, passed in S.C.No.44 of 2007 by the Assistant Sessions Judge, Puttur, whereby, the respondents/A.1 to A.4 were acquitted of the charges under Sections 120B and 395 of I.P.C. and A.5 was acquitted of the charge under Section 395 read with 120B of IPC.

2. Heard the learned Additional Public Prosecutor representing the appellant/State and perused the record. There is no representation for the respondent/accused.

3. The Court below, vide judgment under challenge, acquitted the respondents/A.1 to A.4 for the charges under Sections 120B and 395 of I.P.C. and the respondent/A.5 was acquitted of the charge under Section 395 read with 120B of IPC for want of proper identification. When the accused were not identified in the course of trial by the main witnesses, the trial Court extended the benefit of doubt and acquitted the accused for the charges framed against them. There is no infirmity in the impugned order. The findings recorded by the Court below are based on evidence on record. There is nothing to take a different view. The appeal is devoid of merit and is liable to be dismissed.

4. In the result, the Criminal Appeal is dismissed.

Pending Miscellaneous Petitions, if any, shall stand closed.

DR. SHAMEEM AKTHER, J

Date: 19.12.2018
ssp