

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (DB) No.82 of 2019

Arising Out of PS. Case No.-267 Year-2009 Thana- SAHARSA District- Saharsa

Ranjeet Kumar Singh, aged about 56 years, Male, Late Benimadhav Singh,
Resident of Koshi Kolony Koshi Chowk, P.S-Saharsa Sadar, District Saharsa
... .. Appellant/s

Versus

1. The State of Bihar
2. Chandeshwar Verma, S/o Late Bimal Verma, Resident of Village - Koshi colony @ Koshi Chowk, P.S.- Saharsa Sadar, Dist. Saharsa
3. Prem Kumar Verma, S/o Chandeshwar Verma, Resident of Village - Koshi colony @ Koshi Chowk, P.S.- Saharsa Sadar, Dist. Saharsa
4. Kunti Devi, W/o Chandeshwar Verma, Resident of Village - Koshi colony @ Koshi Chowk, P.S.- Saharsa Sadar, Dist. Saharsa

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Jawahar Pd. Singh
For the Respondent/s : Mr.Dr. Mayanand Jha

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA)

Date : 16-05-2019

Heard learned counsel appearing for the appellant as well as learned Additional Public Prosecutor for the State on I.A. No. 01 of 2019 and I.A. No. 02 of 2019 as well as on the point of Admission.

2. I.A. No. 01 of 2019 has been filed on behalf of the appellant under Section 5 of Limitation Act for condonation of delay in filing this criminal appeal on the ground that earlier the appellant, under wrong impression, filed Criminal Appeal (Single Judge) No. 2438 of 2018 before the Single Judge of this Court and



the aforesaid appeal was disposed of vide order dated 10.10.2018. However, the learned Single Judge granted liberty to file another appeal before the Division Bench in accordance with law.

3. In view of the aforesaid fact, the delay in filing this Criminal Appeal is hereby condoned. Accordingly, I.A. No. 01 of 2019 stands disposed of.

4. I.A. No. 02 of 2019 has been filed under Section 378 (3) of Criminal Procedure Code for grant of special leave. Admittedly, the appellant is father of victim and, therefore, he has statutory right to prefer an appeal against the judgment of acquittal and, accordingly, I. A. No. 02 of 2019 stands disposed of.

5. The appellant is aggrieved by the acquittal of respondents no. 2, 3 and 4 from the charges framed against them for the offences punishable under Sections 366-A/34, 366-A/120B and 376/109 of the Indian Penal Code.

6. The respondents no. 2, 3 and 4 along with co-accused Mantu Verma faced trial in S.T. No. 22/10/114/2011 for the above stated offences and vide impugned judgment dated 27.04.2018, the learned Fast Track Court, Saharsa acquitted respondents no. 2, 3 and 4 from the above stated charges whereas, convicted the co-accused Mantu Verma for the offences punishable under Sections 366-A and 376 of the Indian Penal Code.



7. Learned counsel appearing for the appellant submits that in course of trial, prosecution witnesses claimed that the respondents no. 2, 3 and 4 also participated in kidnapping of victim and they hatched conspiracy with convicted accused Mantu Verma for committing the offence of kidnapping and rape but the learned Trial Court ignored the aforesaid evidence and passed the judgment of acquittal in favour of respondents no. 2, 3 and 4.

8. The perusal of the impugned judgment goes to show that the learned Trial Court dealt with prosecution evidences properly and after that came to the conclusion that prosecution failed to prove the charges levelled against respondents no. 2, 3 and 4. The learned Trail Court has passed a well discussed and well thought judgment and accordingly, we do not find any ground to interfere into the impugned judgment of acquittal passed in favour of respondents no. 2, 3 and 4. Accordingly, this Criminal Appeal stands dismissed on admission stage itself.

(Hemant Kumar Srivastava, J)

(Partha Sarthy, J)

Sushma/Prakash

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	18.06.2019
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