

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (DB) No.217 of 2019

Arising Out of PS. Case No.-91 Year-2002 Thana- DARAUNDA District- Siwan

KAUSHLENDRA SAH Son of Late Sudama Singh Resident of Village-
Pipra, P.S.- Daronda, District- Siwan Appellant

Versus

1. The State Of Bihar
2. Shyam Sundar Sah, aged about 27 years Son of Late Ram Bachan Sah
Resident of Village- Pipra, P.S.- Daronda, District- Siwan.
3. Manoj Sah aged about 28 years Son of Sri Uday Chandra Sah Resident of
Village- Pipra, P.S.- Daronda, District- Siwan.
4. Udaichand Sah @ Uday Chandra Sah aged about 48 years Son of Sri
Rameshwar Sah Resident of Village- Pipra, P.S.- Daronda, District- Siwan.
5. Trilokinath Sah aged about 39 years Son of Sri Shyam Sundar Sah Resident
of Village- Pipra, P.S.- Daronda, District- Siwan.
6. Dilip Kumar Sah aged about 28 years Son of Sri Basant Sah @ Balwant Sah
Resident of Village- Pipra, P.S.- Daronda, District- Siwan.
7. Pradeep Sah aged about 24 years Son of Sri Basant Sah @ Balwant Sah
Resident of Village- Pipra, P.S.- Daronda, District- Siwan.

... .. Respondents

Appearance :

For the Appellant : Mr.Arbind Kumar Singh, Advocate

For the Respondents : Mr. Shiwesh Chandra Mishra, Addl Public Prosecutor

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

and

HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH

ORAL JUDGMENT

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

Date : 24-07-2019

Heard learned counsel for the appellant as well as
learned Additional Public Prosecutor representing the State.

2. We went through the impugned judgment and in our
view this criminal appeal can be disposed of at admission stage
itself.



3. The appellant has challenged the impugned judgment of acquittal dated 6.11.2018, passed by the learned Sessions Judge, Siwan in Sessions Trial No. 409 of 2002 by which and whereunder the learned trial court has acquitted respondents no. 2 to 7 from the charges framed against them for the offences punishable under sections 323, 325, 448 & 307/34 of the IPC (wrongly written in paragraph 20 of the impugned judgment as 37/34 of the IPC).

4. Learned counsel appearing for the appellant challenged the impugned judgment of acquittal submitting that the trial court did not take pain to appreciate the prosecution evidence in right perspective. He submits that the appellant was injured and he deposed in the case saying that he sustained injuries caused by respondents no. 2 to 7 and the aforesaid fact was supported by other prosecution witnesses. He further submits that the injury report of the appellant was also proved by the concerned doctor but the learned trial court taking note of minor contradictions passed the judgment of acquittal which is not in accordance with law.

5. On the other hand, learned Additional Public Prosecutor supported the impugned judgment arguing that the learned trial court has discussed the evidence of CW 1 and after



discussing the evidence of CW 1, doubted the genuineness of injury report of the appellant. He further submitted that apart from the aforesaid fact, the learned trial court has also taken note of several other grounds for passing the judgment of acquittal.

6. Having heard the contentions of both the parties, we went through the impugned judgment. We find that the learned trial court has discussed all the evidences of prosecution as well as other aspects of the case. We further find that the learned trial court has not only doubted the injury report of the appellant but also expressed his doubt in respect of claim of the appellant. We also find that the learned trial court has passed a well thought and well discussed judgment and we do not find any perversity or absurdity in the impugned judgment. Therefore, in our view, there is no need to interfere with the impugned judgment.

7. In the aforesaid manner, this criminal appeal stands dismissed at admission stage itself.

(Hemant Kumar Srivastava, J)

(Prabhat Kumar Singh, J)

Shashi

AFR/NAFR	NAFR
CAV DATE	NA
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