

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (DB) No.137 of 2019

Arising Out of PS. Case No.-475 Year-2010 Thana- ARARIA District- Araria

Md. Arif @ Arif

... .. Appellant

Versus

The State of Bihar and Ors.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sanjay Kumar Sharma, Adv.

Mr. Anish Jha, Adv.

For the Respondent/s : Dr. Mayanand Jha, A.P.P

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

and

**HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

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

4 11-03-2019 Heard learned counsel appearing for the appellant
and learned Additional Public Prosecutor for state on I. A. No.
01 of 2019 as well as on the point of admission.

I. A. No. 01 of 2019 has been filed under Section
378(3) of the Code of Criminal Procedure, 1973 for grant of
special leave. The aforesaid I. A. No. 01 of 2019 has been filed
on behalf of the appellant, who claims himself to be injured as
well as victim and, therefore, I. A. No. 01 of 2019 stands
allowed, permitting the appellant-applicant to pursue this
criminal appeal.

This criminal appeal has been preferred against



impugned judgment of acquittal dated 27.11.2018 passed by 3rd Additional Sessions Judge, Araria in Sessions Trial No. 1113 of 2011, CIS. 1609 of 2013 by which and whereunder, he acquitted the respondent nos. 2, 3 and 4 from the charges framed against them for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 504 and 302 of the Indian Penal Code.

In our view, this criminal appeal can be disposed of on admission stage itself.

Learned counsel appearing for the appellant challenged the impugned judgment of acquittal submitting that the learned trial court has not dealt with prosecution evidence properly, as a result whereof, the learned trial court came to wrong conclusion. He further submitted that the prosecution brought the postmortem report of deceased Md. Khurshid but the learned trial court did not discuss about the postmortem report of the deceased and doubted, the injury reports of injured as well as deceased and passed the impugned judgment.

Learned Additional Public Prosecutor appearing for state submits that the impugned judgment reflects that there were several infirmities in prosecution case and taking note of infirmities as well as doubting the genuineness of injury reports, the learned trial court passed the impugned judgment of



acquittal which does not need any interference by this court.

Having heard the contentions of both the parties, we went through the impugned judgment. We find that the learned trial court has discussed the evidences of the prosecution and taking note of several infirmities in prosecution case, particularly, doubting about the genuineness of injury reports of injureds as well as deceased passed the impugned judgment. We find no ground to interfere into the impugned judgment of acquittal because even if, it assumed that on same set of evidence, another view is possible, then also, the findings of learned trial court cannot be disturbed unless the said findings are unreasonable and absurd and, therefore, in the aforesaid circumstance, we have no option except to dismiss this criminal appeal on admission stage itself.

Accordingly, this criminal appeal stands dismissed on admission stage itself.

(Hemant Kumar Srivastava, J)

(Rajendra Kumar Mishra, J)

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