

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (DB) No.164 of 2019

Arising Out of PS. Case No.-105 Year-2013 Thana- FORBESGANJ District- Araria

Savitri Devi, Female, aged about 72 years, wife of Rajendra Thakur, resident of village – Khairkhan Tola, Madhubani, ward no. 8, Police Station- Forbesganj, District-Araria.

... .. Appellant

Versus

1. The State of Bihar
 2. Anirudh Thakur, Male, aged about 40 years, son of Late Ram Swarup Thakur
 3. Amod Thakur, Male, aged about 35 years, son of Late Ram Swarup Thakur
 4. Shambhu Thakur, Male, aged about 48 years, son of Late Ram Swarup Thakur
 5. Savitri Devi, Female, aged about 32 years, wife of Anirudh Thakur
- All residents of village – Khairkhan Tola, Makhubani, Ward No. 8,
P. S. - Forbesganj, Distt. - Araria.

... .. Respondent/s

Appearance :

For the Appellant	:	Mr. Mukesh Kumar Rana, Adv.
For the Respondent/s	:	Mr. Satya Narayan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
and
HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA)

3 09-04-2019 Heard learned counsel appearing for the appellant as well as learned Additional Public prosecutor for state on the point of admission and perused the record.

We are of the opinion that this appeal can be disposed of on admission stage itself.

The appellant has challenged the judgment of acquittal dated 07.12.2018 passed by learned Additional



Sessions Judge-III, Araria in Sessions Trial No. 1140 of 2013 by which and whereunder, he acquitted the respondent nos. 2 to 5 from the charges framed against them for the offences punishable under Sections 341, 323, 324, 307 and 504/34 of the Indian Penal Code.

The submission on behalf of the appellant is that the learned trial court wrongly mentioned in the impugned judgment that there was land dispute between the parties particularly, in the circumstance when there was nothing on the record to show the so-called land dispute of the parties and furthermore, the learned trial court committed error in disbelieving the injury report only on the ground that the injury report was issued by the concerned doctor on 14.04.2013 whereas the injured was examined by the concerned doctor on 07.04.2013.

The perusal of impugned judgment goes to show that the learned trial court has given sound reasonings for acquitting the respondent nos. 2 to 5. We find that PW-6 claimed to have examined injured Savitri Devi on 07.04.2013 but admittedly PW-6 issued injury report of Savitri Devi on 14.04.2013 and no explanation regarding delay of issuance of injury report was brought by the prosecution in course of trial. Moreover, the



learned trial court also took notice of this fact that the PW-6 neither referred Savitri Devi nor advised her for X-ray but in spite of that the injured Savitri Devi got X-rayed her and produced the X-ray report before PW-6. The learned trial court doubted the genuineness of injury report of injured Savitri Devi on the aforesaid ground also. We do not find any ground to differ with the findings of learned trial court and, moreover, unless the findings of learned trial court are perverted, the appellate court should not interfere into the findings of the trial court. In the present case we do not find any perversity in the impugned judgment and we are of considered view that there is no need to interfere into the impugned judgment.

On the basis of aforesaid discussions, this criminal appeal stands dismissed on admission stage itself.

(Hemant Kumar Srivastava, J)

(Rajendra Kumar Mishra, J)

N.K/-

U		T	
---	--	---	--

