

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (DB) No.315 of 2019

Arising Out of PS. Case No.-196 Year-2009 Thana- SIKANDRA District- Jamui

Shrada Devi @ Siya Devi aged around 59 years, Female, Wife of Late Parmeshwar Yadav Resident of Village - Hilsa, P.S.- Chandradeep, Distt - Jamui.

... .. Appellant

Versus

1. The State of Bihar Bihar
2. Kukko Yadav Son of Chotan Yadav Resident of Village - Hilsa, P.S.- Chandradeep, Distt - Jamui.
3. Pinku Yadav Son of Chotan Yadav Resident of Village - Hilsa, P.S.- Chandradeep, Distt - Jamui.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rakesh Kumar Sinha, Adv.
For the Respondent/s : Mr. Ajay Mishra, APP

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA)

3 06-05-2019 Heard learned counsel appearing for the appellant as well as learned Additional Public Prosecutor for State on I. A. No. 1 of 2019 as well as on the point of admission.

I. A. No. 1 of 2019 has been filed under Section 378(3) of Cr.P.C for grant of leave to prefer this criminal appeal against impugned judgment of acquittal. The appellant happens to be wife of deceased and as per proviso of Section 372 of the Cr.P.C, she has statutory right to prefer appeal against judgment



of acquittal, therefore, I. A. No. 1 of 2019 stands disposed of.

The appellant is aggrieved by the impugned judgment of acquittal dated 19.01.2019 passed by Additional Sessions Judge, F.T.C-I, Jamui in Sessions Trial No. 462 of 2019 arising out of Sikandra (Chandradeep) P. S. Case No. 196 of 2009 by which and whereunder, learned Additional Sessions Judge, F.T.C-I, Jamui, acquitted the respondent nos. 2 and 3 from the charges framed against them under Sections 307/149, 302/149, 506, 147, 323, 504, 325/149 of the Indian Penal Code.

The Perusal of impugned judgment goes to show that while PW-4, namely, Fuleshwar Yadav along with deceased Parmeshwar Yadav was working in his field, the FIR named accused including respondent nos. 2 and 3 went there and assaulted the deceased, as a result whereof, deceased died.

Sikandra (Chandradeep) P. S. Case No. 196 of 2009 was registered on the basis of fardbeyan of PW-4, namely, Fuleshwar Yadav and, accordingly, the respondent nos. 2 and 3 were charge-sheeted and, subsequently, were put on trial in Sessions Trial No. 462 of 2019.

In course of trial, prosecution examined, altogether, four witnesses but out of aforesaid prosecution witnesses, three prosecution witnesses did not support the prosecution case and



only PW-3, namely, Mauji Yadav, who happens to be father of the deceased supported the prosecution story. The prosecution did not produce investigating officer as well as doctor. The postmortem report of the deceased was also not produced before the learned trial court.

No doubt, PW-4 supported the prosecution case in course of trial but it appears from perusal of the impugned judgment that the learned trial court having considered the evidence available on the record passed the impugned judgment of acquittal. We do not find any perversity in the impugned judgment of acquittal and, in our view, there is no need to interfere into the findings recorded by the trial court.

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

(Hemant Kumar Srivastava, J)

(Partha Sarthy, J)

Rajeev Kumar/-

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