

IN THE HIGH COURT OF JUDICATURE AT PATNA
SLA No.18 of 2019

Arising Out of PS. Case No.-1069 Year-2010 Thana- MUZZFARPUR COMPLAINT CASE
District- Muzaffarpur

=====

RAJESH KUMAR, Son of Laxaman Prasad Resident of Mohalla- Atardah Kachchi Pakki, P.S.- Sadar District - Muzaffarpur, At present address- Mohalla- Amgolla Ward No.-34, House of Sohan Sah, Pankhatolli, P.S.- Kazimohammadpur, District- Muzaffarpur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Kumari Indu, Wife of Prabhat Mishra @ Gopal Mishra Resident of Village - Dwarikanagar, P.O.- Binda, P.S.- Mushahari, District- Muzaffarpur
3. Prabhat Mishra @ Gopal Mishra, Son of Resident of Village - Dwarikanagar, P.O.- Binda, P.S.- Mushahari, District- Muzaffarpur

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr.Arvind Kumar
For the Respondent/s : Mr.Zeyaul Hoda

=====

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

4 22-08-2019 Heard the learned counsel appearing on behalf of the appellant and learned Additional Public Prosecutor for the State.

2. This Special Leave to Appeal has been filed on behalf of the appellant under Section 378(4) of the Code of Criminal Procedure, seeking leave to file appeal against the Judgment and order dated 23.01.2019 passed by the Judicial Magistrate, 1st Class, Muzaffarpur (E) in Compliant Case No. C-1069 of 2010, Trial No. 2251 of 2018, Whereby and whereunder, she acquitted the respondent Nos. 2 and 3 from the charges under Sections 323 and 379 of the Indian Penal Code



and Section 138 of the N.I. Act.

3. On perusal of the impugned Judgment, it is apparent that the learned Judicial Magistrate, 1st Class, Muzaffarpur (E) has well discussed the evidences in detailed and rightly arrived at conclusion that prosecution failed to prove the charges under Sections 323 and 379 of the Indian Penal Code and Section 138 of the N.I. Act.

4. I find no reason to allow this Special Leave to Appeal and, accordingly, same is dismissed.

(Rajendra Kumar Mishra, J)

manish/-

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

