

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (DB) No.493 of 2019

Arising Out of PS. Case No.-115 Year-2017 Thana- MARAUNA District- Supaul

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Kavita Devi wife of late Kamal Narayan Singh, resident of village- Parsauni,
Ward No. -11, P.S- Marauna, Dist- Suapul

... .. Appellant/s

Versus

1.The State of Bihar
2. Rahul Kumar Mahto@ Rahul Kumar@ Gurdeep Mahto son of Sri Jago
Mahto@ Jagnarayan Mahato, resident of village- Kamalpur, Ward No. - 02,
P.S-Kunauli, Dist- Supaul

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Amar Nath Yadav
For the Respondent/s : Mr. Ajay Mishra

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

and

HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

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

3 21-06-2019 Heard learned counsel for the appellant as well as

learned Additional Public Prosecutor for the State on the point

of admission and, in our view, this appeal can be disposed of on

admission stage itself.

The appellant being informant of Marauna P.S.Case
No. 115 of 2017 challenged the impugned judgment of acquittal
dated 22.02.2019 passed by learned Additional Sessions Judge-
1st Supaul in Session Trial no. 121 of 2018 arising out of
Marauna P.S.Case No. 115 of 2017 by which and whereunder,
he acquitted the appellant from the charge framed against him



for the offence punishable under section 376 of the Indian Penal Code.

The above stated Marauna P.S.Case No. 115 of 2017 was registered on the basis of written report of the appellant. The appellant claimed that she was raped by the appellant and some others on the alleged date of occurrence. The police after investigation, submitted charge sheet and, subsequently, the appellant was put on trial. The appellant stood charged for the offence punishable under section 376 of the Indian Penal Code and in course of trial, prosecution examined several witnesses, and also got exhibited report of Medical Board as well as some other documents. The learned trial court after evaluating the evidences available on the record doubted the claim of appellant and accordingly, acquitted the respondent no. 2 from the above stated charge.

Perusal of the impugned judgment goes to show that the appellant was medically examined by the Medical Board but Medical Board did not find any sign of rape on her person and furthermore, the Medical Board also did not find any injury on the person of the appellant. We find from the perusal of the impugned judgment that the cloths of appellant were neither produced before the court nor the same were send for chemical



examination. The learned trial court also noted down several contradictions in statement of appellant and also noted down that there was two groups in the village of appellant and respondent no. 2.

Learned counsel appearing for the appellant tried to convince us arguing that in course of trial, almost all, the prosecution witnesses including the appellant clearly supported the prosecution case but we are not at all convinced with the above stated submissions. The learned trial court has given sound reasoning for passing the judgment of acquittal. The view taken by the learned trial court is neither absurd nor perverse and we do not think it proper to interfere into the impugned judgment.

Accordingly, this Criminal Appeal stands dismissed on admission stage itself.
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(Hemant Kumar Srivastava, J)

(Partha Sarthy, J)

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