

IN THE HIGH COURT OF JUDICATURE AT PATNA

SLA No.59 of 2018

Arising Out of PS. Case No.-701 Year-2013 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

Meena Devi @ Kamla Devi, W/o Ramesh Das @ Budhu Das, R/o village-
Dath, P.S.- Hasanpur, District- Samastipur ... Appellant
Versus

1. The State Of Bihar
2. Sanichar Das, Son of Dela Das, R/o village- Dath, P.S.- Hasanpur, District- Samastipur
3. Harihar Das, Son of Late Prabhu Das, R/o village- Dath, P.S.- Hasanpur, District- Samastipur
4. Bhola Das, Son of Chaudhary Das, R/o village- Dath, P.S.- Hasanpur, District- Samastipur
5. Raghuveer Das, Son of Bhola Das, R/o village- Dath, P.S.- Hasanpur, District- Samastipur
6. Mukesh Das, Son of Kundan Das @ Kandan Das, R/o village- Dath, P.S.- Hasanpur, District- Samastipur
7. Manoj Das, Son of Naresh Das, R/o village- Dath, P.S.- Hasanpur, District- Samastipur
8. Naresh Das, Son of Remeshwar Das, R/o village- Dath, P.S.- Hasanpur, District- Samastipur
9. Ramsagar Das, Son of Sukho Das, R/o village- Dath, P.S.- Hasanpur, District- Samastipur
10. Padum Das, Son of Ramsagar Das, R/o village- Dath, P.S.- Hasanpur, District- Samastipur
11. Kundan Das, son of Ramsagar Das, R/o village- Dath, P.S.- Hasanpur, District- Samastipur
12. Bimla Devi, Wife of Harihar Das, R/o village- Dath, P.S.- Hasanpur, District- Samastipur
13. Mantarni Devi Wife of Sanichar Das R/o village- Dath, P.S.- Hasanpur, District- Samastipur
14. Buchi Devi, Wife of Naresh Das, R/o village- Dath, P.S.- Hasanpur, District- Samastipur
15. Hariom Das, Son of Bhola Das, R/o village- Dath, P.S.- Hasanpur, District- Samastipur
16. Dhela Das, Son of Late Choudhary Das, R/o village- Dath, P.S.- Hasanpur, District- Samastipur
17. Birju Das, Son of Late Prabhu Das, R/o village- Dath, P.S.- Hasanpur, District- Samastipur ... Respondents

Appearance :

For the Appellant : Mr. Ram Sumiran Rai, Adv.
For the Respondents : Mr. Sujit Kumar Singh, APP



**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

6 19-09-2019 Heard the parties.

This Special Leave to Appeal, under Section 378(4) of the Code of Criminal Procedure, has been preferred by the petitioner against the judgment, dated 30.07.2018, passed in C.R. Case No. 701 of 2013, Trial No. 246 of 2018, whereby and whereunder Additional Chief Judicial Magistrate, III, Rosera at Samastipur, acquitted the respondents 2 to 17 of the charges under Sections 323 of the Indian Penal Code and 3 and 4 of the Witch Craft Act arriving at a conclusion that the complainant has not been able to prove her case beyond reasonable doubt against the accused-respondents 2 to 17.

The facts, leading to this Special Leave to Appeal, is that petitioner, Meena Devi @ Kamla Devi, was at her house in the evening of 21.07.2003, at that time accused/respondents 2 to 17 came there and started to abuse denoting her dian (witch). On hulla, her husband, Ramesh Das, came, then, he was also abused and assaulted. At that time, the accused persons forcibly administered stool in her mouth. During the trial complainant examined altogether five witnesses, including herself as C.W. 5 and her husband, Ramesh Das, as C.W. 3.

On perusal of the impugned judgment, it appears that



complainant in her examination-in-chief has not stated about administering her stool by the accused/respondents 2 to 17. Simply she stated that she was abused and assaulted. C.W. 3, Ramesh Das, who is husband of the complainant, in his statement, has stated that after moving of the accused villagers rushed to the place of occurrence, but, neither he nor his wife was having apparent injury. He also stated that his wife was not medically examined to show about administering the stool and he stated that occurrence took place in the courtyard.

Learned Additional Chief Judicial Magistrate, Rosera at Samastipur, has discussed the evidence in detail and arrived at the conclusion that the complainant has not been able to prove her case beyond reasonable doubt against the accused-respondents 2 to 17 for the offences under Sections 323 of the Indian Penal Code and 3 and 4 of the Witch Craft Act.

I find no reason to allow Special Leave to Appeal, which is, accordingly, dismissed. Interlocutory application, if any, also shall stand disposed of.

(Rajendra Kumar Mishra, J)

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