

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (DB) No.510 of 2019**

Arising Out of PS. Case No.-191 Year-1992 Thana- SASARAM NAGAR District- Rohtas

Kameshwar Mahto @ Kameshwar Singh S/o Lakshman Mahto R/o village-
Lakhanu Sarai, P.S.- Sasaram (Town), District- Rohtas

... .. Appellant/s

Versus

1. The State of Bihar
2. Ayodhya Mahto S/o Shiv Mahto R/o village- Pratapganj, P.S.- Sasaram (Town), District- Rohtas
3. Dashrath Mahto S/o Butan Mahto R/o village- Pratapganj, P.S.- Sasaram (Town), District- Rohtas

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sada Nand Roy, Advocate

For the Respondent/s : Mr. Ashwani Kumar Sinha, APP

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

and

HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH

ORAL JUDGMENT

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

Date : 05-08-2019

Heard learned counsel appearing for appellant as well as learned Additional Public Prosecutor for State on the point of admission. In our view, this appeal can be disposed of on admission stage itself.

2. The appellant has preferred this criminal appeal against judgment of acquittal dated 14.03.2019 passed by Fast Track Court Ist Rohtas, Sasaram in Sessions Trial No. 379 of 1994 by which and whereunder the learned Presiding Officer,



Fast Track Court acquitted the respondent nos. 2 and 3 from the charge framed against them for the offence punishable under Section 304B (wrongly mentioned in impugned judgment 304 of the Indian Penal Code) of the Indian Penal Code.

3. The perusal of impugned judgment goes to show that the learned trial court came to conclusion that the prosecution could not succeed to prove that the death of deceased, was unnatural and accordingly, the learned trial court held that the prosecution failed to prove all the ingredients of section 304B of the Indian Penal Code.

4. Learned counsel appearing for appellant submits that the learned trial court did not appreciate the prosecution evidence properly, and also, failed to take note of this fact that it was burden of respondent nos. 2 and 3 to prove as to how deceased died, but we are not at all in agreement with the above stated submission, because from perusal of impugned judgment, we find that no injury was found on the person of the deceased, and, the viscera report of deceased reveals that no poison like substance was found in her body. The trial court after taking note of the aforesaid fact, came to conclusion that the deceased died of her natural death.

5. The learned trial court has passed a well discussed



judgment and there is no need to interfere into the impugned judgment of acquittal.

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

(Hemant Kumar Srivastava, J)

(Prabhat Kumar Singh, J)

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