

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.595 of 2017

Arising Out of PS. Case No.-108 Year-2004 Thana- KONCH District- Gaya

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Suneshwari Devi Wife of Late Bihari Yadav, Resident of Village- Bishun
Bigha, P.S.- Konch, District- Gaya.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. Baleshwar Yadav, Son of Sri Tun Yadav.
3. Choudhary Yadav, son of Late Sukhari Miyan.
4. Binay Yadav, Son of Parmeshwar Yadav.
5. Dinesh Yadav, Son of Parmeshwar Yadav.
6. Parmeshwar Yadav, Son of Late Bharat Yadav.
7. Nagendra Yadav, son of Late Bharat Yadav.
8. Sakal Yadav, Son of Late Bhaglu Yadav,
9. Chandradeo Yadav, Son of Late Rohan Yadav.
10. Deo Kumar Yadav, Son of Late Rohan Yadav, All Residents of Dabur, Tola-
Bishun Bigha, Police Station- Konch, District- Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Praveen Kumar
For the Respondent/s	:	Mr.Sri Shyam Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

6 02-09-2019

I.A. No. 1787 of 2017

In view of the averment made in the application the
delay is condoned and aforesaid I.A. is disposed of.

This revision application has been filed against the
order and judgment dated 15.12.2016 passed by Shri Shefali
Narayan, Judicial Magistrate, 1st Class, Patna in Trial No. 640 of
2015 arising out of Konch P.S. Case No. 108 of 2004 whereby
and whereunder she has acquitted the opposite party no. 2 to 10



from the charges levelled against them.

Fact is short giving rise to this revision application is that the petitioner has filed a case against opposite party No. 2 to 10 with respect to the allegation under Section 147, 148, 149, 341, 323, 380, 452, 427 of the Indian Penal Code and after submission of charge-sheet, cognizance was taken of the above offence on 24.6.2008.

Further appears from the record that during the trial two witnesses have been examined on behalf of prosecution out of which P.W. 1 have been declared hostile and another P.W. 2 Surjali Devi who has not appeared for further cross-examination.

After considering the materials learned Court below acquitted the opposite party No. 2 to 10 vide judgment dated 15.12.2016.

Being aggrieved by the said Judgment, present revision application has been filed by the petitioner on the ground that the evidence of the P.W.-2 has not been considered though she has supported the allegation in her chief as well as in cross-examination.

Heard, learned A.P.P. and perused the record which appears that one of the witnesses has been declared hostile as he



has not supported the prosecution case and P.W.2 has not come up for further cross-examination as such the same cannot be considered in favour of the prosecution. On quarry learned counsel for the petitioner has informed for further cross-examination that the evidence of P.W.2 was deferred in the year 2011 and thereafter in the year 2016 the evidence was closed and judgment has been passed.

The above order of closing the evidence has also not been challenged by the petitioner before any revisional court.

Considering the facts as discussed above, I find no illegality in the impugned judgment.

Accordingly, this revision application is dismissed.

(Vinod Kumar Sinha, J)

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