

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (DB) No.589 of 2019

Arising Out of PS. Case No.-60 Year-2006 Thana- BUXAR MUFFSIL District- Buxar

Praveen Kumar Dubey Son of Lalan Dubey Resident of village- Nayipur, P.S. Buxar (M), District- Buxar.

... .. Appellant/s

Versus

1. The State Of Bihar
2. Shivjee Singh Yadav Son of Late Aliyar Singh Resident of village- Nayipur, P.S. Buxar (M), District- Buxar.
3. Ram Chandra Singh @ Dokara Singh son of Chhitani Singh Resident of village- Nayipur, P.S. Buxar (M), District- Buxar.
4. Hari Shankar Singh Son of Chiitani Singh Resident of village- Nayipur, P.S. Buxar (M), District- Buxar.
5. Rangnath Singh Son of Chhitani Singh Resident of village- Nayipur, P.S. Buxar (M), District- Buxar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rajiv Ranjan Kr. Pandey, Advocate
For the Respondent/s : Mr.Abhimanyu Sharma, A.P.P

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA

and

HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA)

Date : 26-07-2019

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

2. The appellant is aggrieved by the Judgement of acquittal dated 07.03.2019 passed by learned Additional District



and Sessions Judge III, Buxar in Sessions Trial No. 53/2010 by which and whereunder he acquitted respondent nos. 2, 3, 4 and 5 from the charges framed against them for the offences punishable under Section 364(A) and 365 of the Indian Penal Code.

3. The appellant lodged F.I.R. bearing Buxar Muffasil P.S. Case No. 60 of 2006 against respondent nos. 2 to 5 in respect of kidnapping of his father. The appellant expressed his suspicion against respondent nos. 2 to 5 on the ground of previous litigation and enmity. However, after institution of aforesaid case, the victim returned to his home safely. Respondent nos. 2 to 5 were put on trial after submission of charge-sheet and in course of trial victim was examined as P.W. 7 and he stated the story of his so-called kidnapping.

4. Learned trial court doubted the claim of P.W. 7 on several grounds, particularly, keeping in mind the previous litigation and enmity and also keeping in mind that neither any ransom was demanded nor the victim was put into danger of his life.

5. The perusal of impugned Judgement goes to show that the learned trial court touched all the aspects of the matter and after that came to conclusion. It is well settled principle of



law that if two views are possible on the same set of evidence, the view of trial court cannot be disturbed unless the said view is perverse or absurd or without consideration of evidence.

6. In the present case learned counsel of the appellant failed to point out any perversity or absurdity in the impugned Judgement and therefore, in our view there is no need to interfere into the impugned Judgement.

Accordingly, this criminal appeal stands dismissed on admission stage.

(Hemant Kumar Srivastava, J)

(Prabhat Kumar Singh, J)

vinita/-

AFR/NAFR	AFR
CAV DATE	NA
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