

IN THE HIGH COURT OF JUDICATURE AT PATNA
SLA No.4 of 2018

Arising Out of PS. Case No.-577 Year-2003 Thana- MUZZFARPUR COMPLAINT CASE
District- Muzaffarpur

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Manoj Sharma Son of Late Gauri Shankar Sharma, resident of Mohalla-
Bhavdepur, P.S.- Riga, District- Sitamarhi.

... .. Appellant.

Versus

1. The State Of Bihar.
2. Meena Gupta, Wife of Jiwan Prasad, resident of Mohalla- Baswariya, P.S. +
District- Sitamarhi.
3. Jiwan Prasad, Son of Ram Autar Prasad, resident of Mohalla- Baswariya,
P.S. + District- Sitamarhi.
4. Suresh Prasad Choudhary, Son of Uma Shankar Prasad Choudhary, Resident
of Mohalla- Banaras Bank Chowk, P.S.- Mithanpura, District- Muzaffarpur.
5. Gaytri Devi, Wife of Bindeshwar Choudhary, Resident of Village- Hathi
Chowk, P.S.- Mithanpura, District- Muzaffarpur.
6. Dhup Lal Yadav, Son of Sukdeo Rai, Resident of Village- Sirauli, P.S.
District- Sitamarhi.

... .. Respondents.

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Appearance :

For the Appellant	:	Mr. Santosh Kumar, Advocate.
For the State	:	Mr. Dashrath Mehta, A.P.P.
For the Respondent nos.2 to 6 :	:	Mr. N.K. Agrawal, Senior Advocate. Mr. Dinesh Jha, Advocate. Ms. Preeti Kunwar, Advocate.

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

ORAL JUDGMENT

Date : 11-07-2019

Heard learned counsel for the appellant, learned
Additional Public Prosecutor for the State as also the learned
counsel for the respondent nos.2 to 6 on I.A. No.865 of 2018 as
well as on the point of admission of this Special Leave to
Appeal.

2. I.A. No.865 of 2018 has been filed on behalf of



the appellant under Section 5 of the Limitation Act to condone the delay of 82 days in filing the present Special Leave to Appeal.

On the grounds mentioned in the aforesaid Interlocutory Application, the delay in filing the present Special Leave to Appeal is, hereby, condoned and, accordingly, I.A. No.865 of 2018 stands disposed of.

3. This Special Leave to Appeal has been filed on behalf of the appellant under Section 378(4) of the Code of Criminal Procedure, seeking leave to file appeal against the Judgment and Order dated 11.07.2017 passed in Complaint Case No.577 of 2003/Tr. No.2325 of 2017, by which and whereunder the court of the Sub Divisional Judicial Magistrate (East), Muzaffarpur, acquitted the respondent nos.2 to 6 from the charges framed against them for the offence under Sections 406, 420, 467, 468 and 120(B) of the Indian Penal Code.

4. From perusal of the impugned Judgment and Order dated 11.07.2017, it appears that the learned Sub Divisional Judicial Magistrate (East), Muzaffarpur, has discussed all the evidence, available on the record, and arrived at the conclusion that no any document was produced, showing the partnership deed by the complainant/appellant, as alleged in



the complaint petition and, as such, the prosecution has not been able to prove the charge against the respondent nos.2 to 6 for the offence under Sections 406, 420, 467, 468 and 120(B) of the Indian Penal Code and, accordingly, acquitted them from the above stated offences.

5. I find no merit in this appeal and, accordingly, the same is dismissed.

(Rajendra Kumar Mishra, J)

Pradeep Srivastava/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.07.2019.
Transmission Date	12.07.2019.

