

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (DB) No.624 of 2019**

Arising Out of PS. Case No.-133 Year-2005 Thana- DEEPNAGAR District- Nalanda

Gaurishankar

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. S.K.Lal
		Mr.Rudal Singh
For the Respondent/s	:	Mr. S.B.Verma

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

and

**HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

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

3 17-09-2019 Heard learned counsel for the appellant as well as learned Additional Public Prosecutor for the State on the point of admission and in our view, this appeal can be disposed of on admission stage itself.

The appellant has challenged the impugned judgment of acquittal dated 15.04.2019 passed by Presiding Officer, F.T.C Nalanda, Bihar Sharif in Session trial no.527 of 2007 by which and whereunder he acquitted the accuseds of the above stated Session trial no. 527 of 2007 from the charges framed against them for the offences punishable against them under section 341, 323, 307, 379, 504/34 of the Indian Penal Code.



While assailing the impugned judgment, learned counsel appearing for the appellant submits that the prosecution, in order to substantiate its case, has examined altogether three witnesses including the injured witnesses, who have failed to support the prosecution case but the learned trial court has not appreciated the evidence in its right perspective and has passed order of acquittal which is bad in law.

Learned Additional Public Prosecutor, representing the State , has supported the impugned judgment. He has submitted that the learned trial court, after considering the facts and circumstances of the case as well as the fact that the injury report has not been brought on record as also the fact the I.O of the case has not been examined in course of the trial, has passed a well discussed judgment.

The perusal of memo of appeal goes to show that the accuseds of the above stated Session Trial no. 527 of 2007 have not been made party to this appeal though the appellant challenged their acquittal.

It is surprising enough that the office has also not pointed out the above stated fact. The office is warned to be more cautious while making report on the file.

However, the perusal of the impugned judgment, we



do not find any ground to interfere into the impugned judgment because the perusal of impugned judgment goes to show that the learned trial court discussed the evidence available on the lower court record and, thereafter, came to the conclusion that prosecution could not succeed to prove the charges beyond all shadow of reasonable doubt.

In view of the aforesaid facts and circumstances , this criminal appeal stands dismissed on admission stage itself.

(Hemant Kumar Srivastava, J)

(Prabhat Kumar Singh, J)

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