

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (DB) No.1055 of 2018

Arising Out of PS. Case No.-32 Year-2003 Thana- PANDARAK District- Patna

Uma Shankar Singh S/o Late Deolagan Singh, R/o Vill.- Bihari Bigaha, P.S.-
Pandarak, District- Patna.

... .. Appellant

Versus

1. The State of Bihar
2. Rajesh Singh S/o Chandrika Singh, R/o Vill.- Bihari Bigaha, P.S.- Pandarak,
District- Patna.

... .. Respondents

Appearance :

For the Appellant/s : Mr. Basant Kumar Tripathy, Adv.
Mr. Anand Sharan, Adv.
For the State : Mr. Abhimanyu Sharma, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
and
HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA)**

Date : 07-02-2019

Heard learned counsel appearing for the appellant as
well as learned Additional Public Prosecutor for the State on the
point of admission, I.A. No. 2585 of 2018 and I.A. No. 141 of
2019.

I.A. No. 2585 of 2018 has been filed under Section 5
of Limitation Act for condonation of delay of two months in filing
this criminal appeal. I.A. No. 141 of 2019 has been filed under



Section 378(3) of the Cr.P.C for grant of leave to file and pursue this criminal appeal.

Both the aforesaid interlocutory applications are allowed on the grounds mentioned in the respective interlocutory applications and accordingly, both the aforesaid interlocutory applications stand disposed of.

This criminal appeal has been preferred against the impugned judgment of acquittal dated 09.04.2018 passed by learned Additional Sessions Judge, 1st, Barh, Patna in Sessions Trial No. 1547 of 2009 by which and whereunder, he acquitted the respondent no. 2 from the charges framed against him under Sections 148, 302 read with Section 149 of the IPC and 27 of the Arms Act.

The grievance of the appellant is that the learned trial court passed the impugned judgment of acquittal only on the basis of surmises and conjectures and as a matter of fact, there was sufficient material to prove the guilt of respondent no. 2 but the learned trial court failed to appreciate the evidences in its right perspective.

Learned counsel appearing for the appellant submits that informant as well as other eye-witnesses claimed to have seen the alleged occurrence and they specifically stated about the



participation of respondent no. 2 in the alleged crime but the learned trial court disbelieved the testimonies of aforesaid eye-witnesses on flimsy grounds which are not in accordance with law.

On the other hand, learned Additional Public Prosecutor supports the impugned judgment of acquittal arguing that the learned trial court has passed a well discussed and well thought judgment which does not need any interference by this appellate court.

Having heard the contentions of both the parties, we went through the record and in our view, this appeal can be disposed of on admission stage itself.

The respondent no. 2 stood trial in Sessions Trial No. 1547 of 2009 for the offences punishable under Sections 302, 148, 149 of the IPC and 27 of the Arms Act. In course of trial, prosecution examined several witnesses and also got exhibited certain documents. However, the learned trial court doubted the claim of prosecution witnesses on valid grounds which have been given in the impugned judgment and we do agree with the submission of learned Additional Public Prosecutor that there is no need to interfere into the impugned judgment of acquittal.



On the basis of aforesaid discussions, this criminal
appeal stands dismissed on admission stage itself.

(Hemant Kumar Srivastava, J)

(Rajendra Kumar Mishra, J)

shahzad/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	11.02.2019
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