

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (DB) No.678 of 2019

In
CRIMINAL APPEAL (SJ) No.751 of 2019

Arising Out of PS. Case No.-150 Year-2018 Thana- KADWA District- Katihar

=====

Sitara Khatoon, D/o Md. Mustak Resident of Village - Kantadih, P.S.- Kadwa,
Dist.- Katihar, Represented Through Her Natural guardian father Md. Mustak,
age - 39, Male, Resident of Village - Kantadih, P.S.- Kadwa, Dist.- Katihar.

... .. Appellant

Versus

1. The State of Bihar
2. Md. Amir Son of Saiful
3. Md. Samir Son of Md. Salim

Both respondents no. 2 and 3 are resident of Village - Majhali, P.S.-
Muffasil (Ranipatra), Dist.- Purnea.

... .. Respondents

=====

Appearance :

For the Appellant/s : Mr.Sanjeev Kumar Singh
For the Respondent/s : Mr.Binod Bihari Singh

=====

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA

and

HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA)

Date : 19-08-2019

1. Heard learned counsel appearing for the appellant as
well as learned Additional Public Prosecutor for the State on the
point of admission as well as on I.A. No. 01 of 2019.

2. I.A. No. 01 of 2019 has been filed on behalf of the
appellant seeking leave to file this criminal appeal. Admittedly, the
appellant is said to be victim of the case and, therefore, she has
every right to challenge the judgment of acquittal and there is no



need to seek leave of this court for filing appeal against judgment of acquittal. Accordingly, I.A. No. 01 of 2019 stands disposed of.

3. This criminal appeal has been preferred by the appellant against the judgment of acquittal dated 11.12.2018 passed by learned 1st Additional Sessions Judge cum Special Judge, Katihar in Sessions Trial No. 1837 of 2018 by which and whereunder, the learned 1st Additional Sessions Judge cum Special Judge, Katihar acquitted the respondents no. 2 and 3 from the charge framed against them for the offences punishable under Sections 376, 120B of the IPC and 4, 17 of POCSO Act.

4. Learned counsel appearing for the appellant submits that as a matter of fact, the appellant deposed before the trial court under influence of respondents no. 2 and 3 and she was threatened by the respondents no. 2 and 3 before her deposition as a result whereof, she failed to support the prosecution case and, therefore, one opportunity should be given to the appellant so that she could depose truth before the trial court.

5. We are unable to accept the aforesaid contention because perusal of impugned judgment goes to show that not only appellant but her mother has also stated nothing about the alleged story of rape and the victim (appellant) admitted before the trial



court that her father had inimical term and her father got instituted the present case.

6. Regard being had to the aforesaid facts and circumstances as well as submissions of the parties, we are not inclined to interfere into the impugned judgment of acquittal. Accordingly, this criminal appeal stands dismissed on admission stage itself.

(Hemant Kumar Srivastava, J)

(Prabhat Kumar Singh, J)

shahzad/-

AFR/NAFR	A.F.R
CAV DATE	N.A.
Uploading Date	26.08.2019
Transmission Date	26.08.2019

