

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (DB) No.1225 of 2018

Arising Out of PS. Case No.-219 Year-2012 Thana- BARHARA District- Bhojpur

Ravi Ranjan Singh

... .. Appellant

Versus

The State Of Bihar and Ors

... .. Respondents

Appearance :

For the Appellant : Mr. Hari Mohan Tripathi, Adv.
For the Respondents : Mr. Dilip Kumar Sinha, A.P.P

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
and
HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA)

4 07-02-2019 Heard learned counsel appearing for the appellant as well as learned Additional Public Prosecutor for State on the point of admission as well as on I.A. No. 01 of 2019 which has been filed under Section 378(3) of Code of Criminal Procedure for grant of leave to file this criminal appeal.

I.A. No. 01 of 2019 is allowed on the grounds mentioned in the aforesaid interlocutory application itself and, accordingly, I.A. No. 01 of 2019 stands disposed of.

This criminal appeal has been preferred against the Judgment of acquittal dated 28.07.2018 passed by learned 6th Additional Sessions Judge, Bhojpur at Ara in connection with S.



T. No. 152 of 2013 by which and whereunder, the learned trial court acquitted the respondents no. 2 to 6 under Section 232 of Cr.P.C.

In our view, this appeal can be disposed of on admission stage itself.

Learned counsel appearing for the appellant submits that no opportunity was given to the appellant to adduce evidence before the learned trial court as no process was ever served upon the appellant as well as other prosecution witnesses, as a result whereof appellant as well as other prosecution witnesses could not depose before the trial court but we are not, at all, convinced with the aforesaid submission because the perusal of the impugned judgment goes to show that the charge against the respondents no. 2 to 6 was framed on 26.06.2013 and at least five years were given to prosecution to produce witnesses but prosecution failed to avail the aforesaid opportunity. Furthermore, the impugned judgment goes to show that the learned trial court issued summons, bailable warrants and non-bailable warrants as well as dasti summons to the prosecution witnesses but all went in vain. Furthermore, the impugned judgment goes to show that the learned trial court observed that the appellant was aware about the progress of trial



as he was pursuing a criminal revision bearing G.R. No. 70 of 2013 and, therefore, we do not find any ground to interfere into the findings of the learned trial court.

Accordingly, this criminal appeal stands dismissed on admission stage itself.

(Hemant Kumar Srivastava, J)

(Rajendra Kumar Mishra, J)

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